



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**FEB 15 2014**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mark Thacker, Plant Manager  
Hydraulic Press Brick Company  
P.O. Box 130  
Brooklyn, Indiana 46111

Re: Notice of Violation and Finding of Violation  
Hydraulic Press Brick Company  
Brooklyn, Indiana

Dear Mr. Thacker:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Hydraulic Press Brick Company (HPBC or you) under Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (3). We find that you have violated the Indiana State Implementation Plan (SIP) and your Title V operating permit at your Brooklyn, Indiana facility.

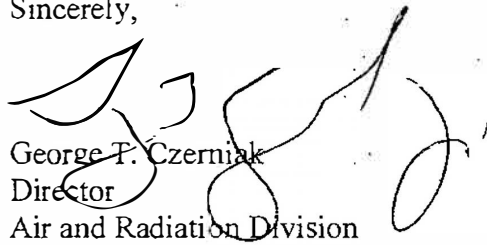
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings in the NOV/FOV, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Daniel Schaufelberger. You may call him at (312) 886-6814 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry, Indiana Department of Environmental Management

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Hydraulic Press Brick Company  
Brooklyn, Indiana

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. §§ 7401 *et seq.*

**NOTICE OF VIOLATION and  
FINDING OF VIOLATION**

**EPA-5-14-IN-02**

**NOTICE AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to Hydraulic Press Brick Company (HPBC), for violations of the Clean Air Act (the Act), 42 U.S.C. §§ 7401 *et seq.*, at its lightweight aggregate product manufacturing facility located at 6618 North Tidewater Road, Brooklyn, Indiana.

This Notice is issued pursuant to Sections 113(a)(1) and (3) of the Act, 42 U.S.C. §§ 7413(a)(1) and (3). The authority to issue this Notice has been delegated to the Regional Administrator of EPA Region 5 and redelegated to the Director, Air and Radiation Division.

**Statutory and Regulatory Background**

1. The Act is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

**Indiana SIP**

2. Section 110(a) of the Act, 42 U.S.C. § 7410(a), establishes a program by which states prepare and submit to EPA plans to provide for the attainment and maintenance of the national ambient air quality standards. Once EPA approves a state's submission, it becomes part of the federally enforceable State Implementation Plan (SIP).
3. Pursuant to Section 110(a) of the Act, 42 U.S.C. § 7410(a), on March 12, 1982, EPA approved 325 IAC Article 7-1, governing sulfur dioxide (SO<sub>2</sub>) emissions in Indiana as part of the Indiana SIP (47 FR 10813). The EPA has approved various codifications and revisions to this rule. *See, e.g.*, 70 *Fed. Reg.* 56129 (October 26, 2005).

4. 326 IAC 7-1.1-1 states that all emissions units with a potential to emit twenty-five (25) tons per year or ten (10) pounds per hour of SO<sub>2</sub> shall comply with the limitations in Section 2 of this rule (326 IAC 7-1.1-2).
5. 326 IAC 7-1.1-2(a)(1) states that SO<sub>2</sub> emissions from fuel combustion emissions units shall be limited to six and zero-tenths (6.0) pounds per million British thermal units (MMBtu) for coal combustion.

#### **Title V**

6. Title V of the Act, 42 U.S.C. §§ 7661a-7661f, establishes an operating permit program for certain sources, including "major sources."
7. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate the source except in compliance with its Title V permit.
8. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), on July 21, 1992, EPA promulgated regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency (57 *Fed. Reg.* 32295). These regulations are codified at 40 C.F.R. Part 70.
8. 40 C.F.R. § 70.2 defines "major source," in part, as any stationary source belonging to a single major industrial grouping and that directly emits or has the potential to emit 100 tons per year (tpy) of any air pollutant, as defined under Section 302 of the CAA, 42 U.S.C. § 7602.
9. 40 C.F.R. § 70.7(b) provides that no source subject to Title V may operate the source except in compliance with a Title V permit.
10. The EPA promulgated final interim approval of the Indiana Title V program on November 14, 1995, 60 *Fed. Reg.* 57191, and the program became effective on that date. This includes 326 IAC 2-7.
11. 326 IAC 2-7-5(1) provides that Title V permits shall incorporate emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of a Part 70 permit issuance.

#### **Findings of Fact**

12. HPBC is a corporation authorized to do business in Indiana.
13. HPBC is a "person," as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
14. At all times relevant to this Notice, HPBC owned and operated emission units at its lightweight aggregate product manufacturing facility at 6618 North Tidewater Road,

Brooklyn, Indiana ("Brooklyn Plant").

15. Kilns 4 and 5 at the Brooklyn Plant are "fuel combustion emissions units" under the Indiana SIP.
16. Kiln 4 and Kiln 5 at the Brooklyn Plant each have the potential to emit 25 tons per year or more of SO<sub>2</sub>.
17. The Indiana Department of Environmental Management issued Title V Operating Permit No. T109-26822-00007 to HPBC, with an expiration date of July 23, 2014.
18. Condition D.2.3(a) of HPBC's Title V operating permit states that the SO<sub>2</sub> emissions from each of the three rotary kilns (Kilns 3, 4, and 5) when burning coal, shall not exceed six (6) pounds per MMBtu (lbs/MMBtu) of coal combustion.
19. On August 16, 2013, EPA issued a Section 114 Information Request to HPBC requesting that the company provide facility-specific production and fuel data, and perform stack emissions testing for the air pollutants lead, fluorides, and SO<sub>2</sub> at Kiln 4 and Kiln 5 exhaust stacks.
20. On November 7 and 8, 2013, HPBC's testing contractor, Wilcox Environmental Engineering (Wilcox), performed stack testing for lead, fluorides, and SO<sub>2</sub> at HPBC's Kiln 4 and Kiln 5 exhaust stacks. HPBC submitted the results of the tests to EPA on January 15, 2014. They showed an SO<sub>2</sub> emission rate of 379.22 pounds per hour (34.47 lbs/ton) for Kiln 4 exhaust and 800.26 pounds per hour (36.38 lbs/ton) for Kiln 5 exhaust.

### **Violations**

#### **Violation of Indiana SIP**

21. Based on current and historic coal heat content data, kiln production data, and the stack test data provided in HPBC's Section 114 response, the SO<sub>2</sub> emissions from HPBC's Kiln 4 are, and have been, in excess of the 6 lbs/MMBtu Indiana SIP SO<sub>2</sub> limitation established at 326 IAC 7-1.1-2(a)(1) for fuel combustion emission units combusting coal.
22. Based on current and historic coal heat content data, kiln production data, and the stack test data provided in HPBC's Section 114 response, the SO<sub>2</sub> emissions from HPBC's Kiln 5 are, and have been, in excess of the 6 lbs/MMBtu Indiana SIP SO<sub>2</sub> limitation established at 326 IAC 7-1.1-2(a)(1) for fuel combustion emission units combusting coal.

#### **Violation of the Title V Permit Program**

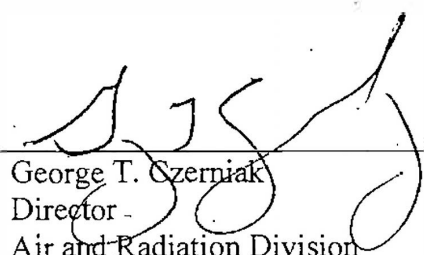
23. Based on current and historic coal heat content data, kiln production data, and the stack test data provided in HPBC's Section 114 response, the SO<sub>2</sub> emissions from HPBC's Kiln 4 are, and have been, in excess of the 6 lbs/MMBtu Title V permit limitation established at Condition D.2.3(a).

24. Based on current and historic coal heat content data, kiln production data, and the stack test data provided in HPBC's Section 114 response, the SO<sub>2</sub> emissions from HPBC's Kiln 5 are, and have been, in excess of the 6 lbs/MMBtu Title V permit limitation established at Condition D.2.3(a).

**Environmental Impact of Violations**

25. These violations have caused or can cause excess emissions of SO<sub>2</sub>. Current scientific evidence links short-term exposures to SO<sub>2</sub> ranging from 5 minutes to 24 hours, with an array of adverse respiratory effects including bronchoconstriction and increased asthma symptoms.

2/4/14  
Date

  
George T. Czerniak  
Director -  
Air and Radiation Division

### CERTIFICATE OF MAILING

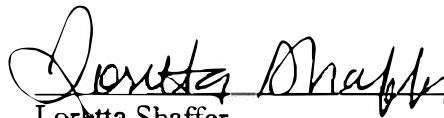
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. **EPA-5-14-IN-02** by Certified Mail, Return Receipt Requested, to:

Mark Thacker, Plant Manager  
Hydraulic Press Brick Company  
P.O. Box 130  
Brooklyn, Indiana 46111

I also certify that I sent copies of the Notice and Finding of Violation by first class mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room IGCN 1003  
Indianapolis, Indiana 46204-2251

on the 6 day of Feb, 2014.



Loretta Shaffer  
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 700916800000 7669 6784

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Bulldog Battery Corporation  
387 South Wabash Street  
Wabash, Indiana 46992

**ATTENTION:**

Al Rutledge  
Plant Manager

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Bulldog Battery Corporation (Bulldog or you) to submit certain information about the facility at 387 South Wabash Street, Wabash, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Bulldog owns and operates an emission source at the Wabash, Indiana facility. We are requesting this information to determine whether your emission source is complying with the New Source Performance Standards for Lead-Acid Battery Manufacturing Plants, 40 C.F.R. Part 60, Subpart KK (NSPS Subpart KK) and the National Emission Standards for Hazardous Air

Pollutants for Lead Acid Battery Manufacturing Area Sources, 40 C.F.R. Part 63, Subpart  
PPPPPP (NESHAP Subpart PPPPPP).

Bulldog must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Bulldog must submit all required information under an authorized signature with the  
following certification:

I certify under penalty of law that I have examined and am familiar with the  
information in the enclosed documents, including all attachments. Based on my  
inquiry of those individuals with primary responsibility for obtaining the  
information, I certify that the statements and information are, to the best of my  
knowledge and belief, true and complete. I am aware that there are significant  
penalties for knowingly submitting false statements and information, including  
the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean  
Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business  
confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to  
us. Information subject to a business confidentiality claim is available to the public only to the  
extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not  
assert a business confidentiality claim when you submit the information, EPA may make this  
information available to the public without further notice. You should be aware, moreover, that  
pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data,  
standards and limitations are not entitled to confidential treatment and shall be made available to  
the public notwithstanding any assertion of a business confidentiality claim. Appendix C  
provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

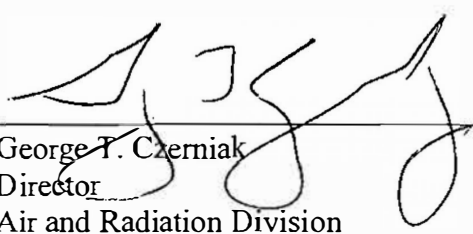
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Bulldog Battery Corporation to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Roshni Brahmhatt at (312) 886-6793.

Date

1/30/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, provide the name, title, and employer of the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## Appendix B

### Information You Are Required to Submit to EPA

Bulldog Battery Corporation must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 calendar days of receipt of this Request:

1. Provide a figure identifying the following at the facility:
  - a. Emission sources (or stack points) and associated air pollution control units (as applicable);
  - b. Open roof monitors; and
  - c. Doors that can be opened during the processes.
2. Provide documentation and a written description of how emissions from all uncontrolled emission sources (or stack points) are quantified. Provide copies of all supporting documentation.
3. Provide a copy of each air permit issued to you by Indiana Department of Environmental Management (IDEM), including but not limited to, construction permits, operating permits, lifetime operating permits, federally enforceable state operating permits, and Title V permits. Also, include the application for the facility's Registration Permit issued on January 3, 2003, and the First Registration Permit Revision issued on June 12, 2008.
4. Provide a copy of annual air emission reports submitted to IDEM from January 1, 2008, to the present. Provide a narrative describing the method used for calculating the annual emissions for each pollutant, including the basis of any emissions factors used and any documents outlining procedures for calculating annual emissions. Additionally, provide a table describing the calculated/estimated capture efficiencies for each control device(s) and the associated emission unit(s), including any associated documentation that supports each calculated and/or estimated capture efficiency.
5. Provide copies of any deviation, excess emission reports, or monitoring system performance reports submitted to IDEM or EPA from January 1, 2008, to the present.
6. Provide a list and copies of each stack test conducted at the facility, for any reason, from January 1, 2003, to the present. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Indicate if a stack test was performed, but the facility has not yet received a copy of the full stack test report. Use the following guidelines for compiling the list and preparing copies of the stack tests:
  - a. List: Identify the emissions unit, the date of the test, pollutants tested, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with IDEM.

- b. Copies: Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations. Also, provide copies of any reports of visible emission observations conducted during each test.
7. Provide the following information for each fabric filter unit, high efficiency particulate air (HEPA) filter, or other secondary filter at the facility, from January 1, 2008, to the present:
  - a. Fabric filter type (e.g., pulse jet);
  - b. Fabric filter material used;
  - c. Fabric filter capacity;
  - d. Air to cloth ratio;
  - e. A copy of the manufacturer's specifications and recommended operating and maintenance procedures;
  - f. All records of the pressure drop readings at each unit in an Excel Workbook or other compatible format, including the date and time of the readings;
  - g. Operating range for the pressure drop across each filter unit associated with proper operation, from January 1, 2008, to the present, the method used to establish the values, and the effective date of these operating limits;
  - h. For all incidents when the pressure drop readings are observed outside of the operating range associated with proper operation, all records that include the date and time of the incident, cause of the incident, corrective action taken, and time of completion of corrective action;
  - i. Records of all inspections, maintenance, and repairs;
  - j. All records of visible emission observations conducted at the facility; and
  - k. For instances where visible emissions were observed, all records that include the time of the visible emissions, cause of the visible emissions, corrective action taken, and time of completion of corrective action.
8. In an Excel or compatible format, provide all production records, lead usage records, and throughput records, including but not limited to records of lead usage through each emission unit in lbs per hour from January 1, 2008, to the present.
9. Provide all documents, related to all studies, inspections, or evaluations conducted or attempted for any reason from January 1, 2003, to the present associated with the fabric filter unit, high efficiency particulate air (HEPA) filter, or other secondary filter at the facility, including but not limited to:

- a. Modeling emissions of air pollutants to the atmosphere;
  - b. Ventilation of the emission units;
  - c. Capture and collection of pollutants by the emission units; and
  - d. Performance of the fabric filter unit, high efficiency particulate air (HEPA) filter or other secondary filter at the facility.
10. Provide the results of all indoor air quality tests performed at the facility, including but not limited to Occupational Safety and Health Administration (OSHA) information. For each test result, document the location (near which emission unit) from which the sample was obtained from January 1, 2008, to the present.
11. Conduct emission testing for lead at the grid casting process. For the emission testing of lead, submit all information requested within the schedules provided below.
  - I. Within 30 days of your receipt of this request, submit to EPA and IDEM the proposed testing protocol that completely describes the methods and procedures for final testing of lead emissions from the grid casting process. The Facility shall conduct the testing under a protocol approved in advance by EPA;
  - II. Within 65 days of your receipt of this request, quantify the emission rate of lead using EPA Reference Methods 1 through 5, 9, and 12 in Appendix A to 40 C.F.R. Part 60, to determine lead emission factors at the grid casting process for a total of three hours.
  - III. During the testing conducted for Item 11.II., operate the grid casting process at a process weight rate of 3,750 pounds per hour and under maximum capacity operating conditions;
  - IV. At least 14 days prior to the planned test(s), submit a notification to EPA and IDEM of the intent to test lead emissions in accordance with Item 11.II.;
  - V. Within 45 days after completion of the emission tests in accordance with Item 11.II., submit a complete report of the emissions testing that includes, at a minimum, the following:
    - A. A summary of results of the emissions testing that includes:
      1. Results of the above-specified emission tests;
      2. Results of all other emissions tests, whether complete or not, conducted since January 1, 2008;
      3. A discussion of any errors that occurred during testing; and
      4. A discussion of any deviations from the reference test methods identified above in Item 11.II.

B. A description of facility operations that includes:

1. A description of the process and control equipment in operation;
2. The operating parameters of the grid casting process and related equipment at the time of the test; and
3. Information demonstrating that the grid casting process was being operated at a process weight rate of 3,750 pounds per hour;

C. A description of sampling and analytical procedures that includes:

1. An identification of sampling port location(s) and dimensions of cross-section;
2. An identification of sampling point description, including labeling system;
3. A brief description of sampling procedures, including equipment and a diagram showing sampling locations;
4. A description of sampling procedures that deviated (whether planned and accidental) from any of the reference test methods specified in Item 11.1.;
5. A brief description of analytical procedures, including calibration of analytical equipment;
6. A description of analytical procedures that deviated (whether planned or accidental) from any of the reference test methods specified in Item 11.1.; and
7. A description of the quality control/quality assurance procedures, tests, and results.

D. An appendix that includes:

1. Complete results of the emissions testing with example calculations;
2. Raw field data (original, not computer printouts);
3. A laboratory report, with signed chain-of-custody forms;
4. A description of calibration procedures and results;
5. Raw process and control equipment data, signed by a plant representative;
6. A test log;
7. A list of project participants and titles; and
8. Any correspondence between representatives of the Facility or between representatives of the Facility and a third-party related to the emissions testing.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between

disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

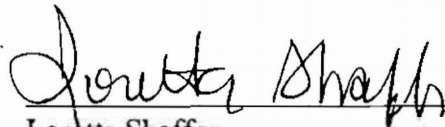
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Al Rutledge  
Plant Manager  
Bulldog Battery Corporation  
387 South Wabash Street  
Wabash, Indiana 46992

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Angela Howard  
Compliance and Enforcement Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 N. Senate Avenue  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 31 day of January 2014.



Loretta Shaffer  
Administrative Program Assistant  
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER:

7009 1680 0000 7669 6647

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Steel Dynamics, Inc.  
4500 County Road 59  
Butler, Indiana 46721**

**ATTENTION:**

**Barry A. Smith  
Environmental Engineer**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Steel Dynamics, Inc. (Steel Dynamics or you) to submit certain information about the Flat Roll Division and Iron Dynamics Division located at 4500 County Road 59 in Butler, Indiana ("the facility"). Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Steel Dynamics owns and operates emission sources at two divisions at the Butler, Indiana facility. We are requesting this information to determine whether your emission sources are complying with the Indiana State Implementation Plan and CAA.

Steel Dynamics must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Steel Dynamics must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

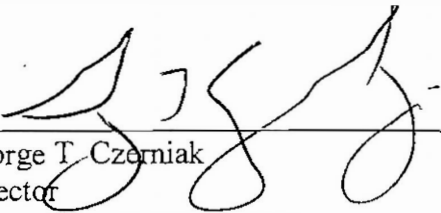
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Steel Dynamics to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Dakota Prentice at (312) 886-6761 or at [prentice.dakota@epa.gov](mailto:prentice.dakota@epa.gov).

2/4/14  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide the submission on physical media such as compact disk, flash drive or similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (*e.g.*, Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term “furnace heat” shall mean a completed electric arc furnace operating cycle made up of the following operations: furnace charging, melting, refining, de-slagging, and tapping.

## **Appendix B**

### **Information You Are Required to Submit to EPA**

Steel Dynamics must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 calendar days of its receipt of this letter.

1. Provide the capacity of the Flat Roll Division (FRD) facility in tons of steel produced on a monthly and annual basis from January 1, 1995, to the present. The capacity should account for physical limitations of the electric arc furnaces (EAFs), maintenance requirements, and ventilation limitations at emission units. For each increase in capacity, provide a narrative of the associated project and provide a reference to the associated construction permit, if applicable.
2. Provide all documents associated with changes in oxygen use at the FRD's EAFs from January 1, 2000, to the present. This information shall include expansions to the oxygen plant, changes to oxygen delivery equipment at the EAFs, and infrastructure changes associated with changes in oxygen use (*i.e.*, increases in the oxygen delivery pipe size from the oxygen plant). Provide all documentation on how the change in oxygen usage has impacted the capacity in tons of steel produced on a monthly and annual basis of the FRD facility and how oxygen use impacted emissions from the EAFs.
3. Provide the average oxygen usage per furnace heat at each EAF on a monthly basis from January 1, 2000, to the present.
4. Provide the monthly production in tons for FRD's EAFs, including tons per 12 consecutive-month periods, from January 1, 1995, to December 1, 2002, and from February 1, 2013, to the present.
5. Provide the capacity of the Iron Dynamics Division (IDD) facility in tons of pig iron produced on a monthly and annual basis from January 1, 1995 to the present. The capacity should account for physical limitations of the submerged arc furnace (SAF), rotary hearth furnace, maintenance requirements, and ventilation limitations at emission units. For each increase in capacity, provide a narrative of the associated project and provide a reference to the associated construction permit, if applicable.
6. Provide the monthly production in tons for IDD's SAF, including tons per 12 consecutive-month periods, from January 1, 1995, to December 1, 2002, from February 1, 2013, to the present.
7. Identify and describe, in a chronologically organized table, all capital expenditures greater than \$50,000 designated at all emission units, from January 1, 2000, to the present. This list must contain the approximate date each project (including maintenance projects and modifications) commenced, the date each project was completed or implemented, a brief description of each project, a list of expenses for each project, and the fixed capital cost of each project in nominal dollars. This should include, but not be

limited to capital expenditures associated with changes in fuel type, fuel feed operations, raw material feed rates, production rates, emission rates, and/or air pollution control equipment.

8. For each project identified in Request 7 which cost greater than \$100,000, provide copies of all capital appropriation requests, financial justifications, and authorizations, including attachments and addenda, generated by or prepared on behalf of the facility or its predecessors concerning that project.
9. Provide complete copies, from January 1, 2000, to the present, of all written correspondence, determinations, documents, or communications with IDEM concerning the applicability of the Prevention of Significant Deterioration and/or non-attainment New Source review requirements to the construction and/or modification of any equipment at the Facility:

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Request to Provide


Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Mr. Barry A. Smith, Environmental Engineer  
Steel Dynamics, Inc.  
4500 County Road 59  
Butler, Indiana 46721

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 11 day of February 2014.

  
Loretta Shaffer  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7669 5497

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Steel Dynamics, Inc.  
8000 North County Road 225 East  
Pittsboro, Indiana 46167**

**ATTENTION:**

**Mike Brooks  
Environmental Engineer**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Steel Dynamics, Inc. (SDI or you) to submit certain information about the facility located at 8000 North County Road 225 East in Pittsboro, Indiana ("the facility"). Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

SDI owns and operates emission sources at the Pittsboro, Indiana facility. We are requesting this information to determine whether your emission sources are complying with the Indiana State Implementation Plan and the CAA.

SDI must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

SDI must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

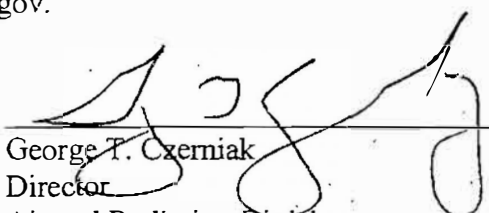
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject SDI to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Alexandra Letuchy at (312) 886-6035 or at [Letuchy.alexandra@epa.gov](mailto:Letuchy.alexandra@epa.gov).

Date

2/6/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide the submission on physical media such as compact disk, flash drive or similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term "tap-to-tap cycle" shall mean an electric arc furnace operating cycle made up of the following operations: furnace charging, melting, refining, de-slagging, tapping, and furnace turn-around.

## Appendix B

### Information You Are Required to Submit to EPA

SDI must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 calendar days of its receipt of this letter.

1. Provide a copy of each current air permit issued to SDI by the Indiana Department of Environmental Management (IDEM), including, but not limited to, construction permits, minor source operating permits (MSOPs), federally enforceable state operating permits (FESOPs), and Part 70 (Title V) Operating Permits.
2. Provide a copy of all permit applications submitted to IDEM since January 2004. Also provide a copy of the original permit application for the current Title V Permit No. T063-20969-00037 and the permit application for the installation of Reheat Furnace No. 2.
3. Provide a copy of all previous final permits issued by IDEM to the facility since January 2004.
4. Provide a table of all emissions tests conducted at the facility for any reason, from January 2004 to the present, and provide copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the table and preparing copies of the stack test reports:
  - a. **Table:** Identify the emissions unit, the control device, the date of the test, the federal or state regulation requiring the test (if applicable), pollutants tested, throughput during test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with IDEM.
  - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
5. Provide copies of all deviation reports, excess emissions reports, and startup, shutdown, and malfunction reports for the facility submitted to IDEM or EPA since January 2009.
6. Provide copies of all quarterly reports, semi-annual compliance reports, or equivalent documents for the facility submitted to either IDEM or EPA since January 2009.
7. Provide copies of all annual emissions reports submitted to IDEM for the facility from 2004 to the present, and include:
  - a. A narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used;

- b. Any documents outlining procedures for calculating annual emissions; and
  - c. A table describing the assumed/estimated capture efficiencies for each control device(s) and the associated emission unit(s), including any associated documentation for the assumptions.
8. Provide all documents, related to all studies, inspections, or evaluations conducted or attempted for any reason at the facility from January 2004 to the present, associated with air pollution control equipment and control systems, including but not limited to:
- a. Copies of monthly operational status inspections of the equipment required under 40 C.F.R. § 60.274a(d);
  - b. System improvements implemented based on findings of any study, inspection or evaluation;
  - c. Modeling emissions of air pollutants to the atmosphere;
  - d. Ventilation of the electric arc furnace (EAF), ladle metallurgical station (LMS), continuous caster, and the vacuum tank degasser (VTD);
  - e. Capture and collection of pollutants emitted by the EAFs, LMS, continuous caster, and the VTD;
  - f. Performance of the baghouse-ventilation-and-control system (including volumetric flow measurements and static pressure measurements); and
  - g. Commissioning reports.
9. For the EAFs, provide the following information, recorded and maintained, pursuant to 40 C.F.R. § 60.274(a), for the period of January 2009 to the present:
- a. Recorded operating parameter data in an Microsoft Excel Workbook or other compatible format;
  - b. Operating parameter limits;
  - c. Method used to establish each operating parameter limit; and
  - d. Effective dates of the operating limit parameters.
10. Provide the following information regarding the Continuous Emissions Monitoring System (CEMS) and Continuous Opacity Monitoring System (COMS) in use:
- a. Records of the output of the COMS;
  - b. Quarterly COMS downtime;

- c. Records of breakdowns of the COMS, date, time of commencement and completion of each downtime, reason for the breakdown, and efforts made to correct the problem;
  - d. Method 9 visible emission readings performed during a COMS malfunction;
  - e. Records of the output of the sulfur dioxide (SO<sub>2</sub>) and carbon monoxide (CO) CEMS;
  - f. Records of breakdowns of the CEMS, date, time of commencement and completion of each downtime, reason for the breakdown, and efforts made to correct the problem;
  - g. Records of inspections performed as required when the CO CEMS is malfunctioning;
  - h. Records of the sulfur content of the charge and injection carbon as required when the SO<sub>2</sub> CEMS is malfunctioning; and
  - i. Copies of all maintenance logs, calibration checks, and other required quality assurance activities performed.
11. Provide a statement and all associated documentation that identifies how SDI demonstrates continuous compliance with the lead, beryllium, fluorides, and mercury emission limits in Permit Condition D.1.2.
12. Provide all documentation of the EAF dust composition from January 2009 to the present.
13. Provide copies of the Preventive Maintenance Plan (PMP) required for the EAF, LMS, and EAF Dust Handling System.
14. Provide all Method 9 visual emissions (opacity) readings that were not provided in response to Request 10.d. from January 2012 to the present. The records should state the emission unit, control device, and/or stack. Abnormal emissions observations should be accompanied by records of the reasonable steps taken in response to the emissions.
15. Provide the following information for the EAFs for all times that the emission units were operating during the period of January 2003 to the present. Provide this information in a Microsoft Excel Workbook or compatible format:
- a. Monthly production in tons;
  - b. Monthly hours of operation;
  - c. Monthly average tap-to-tap cycle time;
  - d. Baghouse dust collected in tons per month from the EAF Baghouse; and

16. Provide all documents that estimate the air pollutant emissions changes for the installation of Reheat Furnace No. 2. For each element used in calculating projected emissions from the Reheat Furnace No. 2 (including, but not limited to hours of operation; heat input; emission factors; production rates), provide a statement and supporting documentation that explains how each element was established.
17. Provide the following information for each Reheat Furnace for all times that the emission units were operating during the period of January 2004 to the present. Provide this information in a Microsoft Excel Workbook or compatible format:
  - a. Dates of installation;
  - b. Monthly production in tons, including tons per twelve consecutive-month periods;
  - c. Monthly operating hours;
  - d. Original design maximum heat input capacity (mmBTU/hr);
  - e. Current maximum heat input capacity (mmBTU/hr);
  - f. Average monthly heat input in million British thermal units (mmBTU); and
  - g. For any unit at which the heat input capacity increased from the original design, provide the dates such increases occurred and what physical or operational changes occurred resulting in such increases.
18. Provide the following information for the VTD flare from January 2009:
  - a. In a Microsoft Excel Workbook or compatible format, records of the temperature of the VTD flare;
  - b. Records of when a temperature reading was not taken and the reason for a lack of temperature reading; and
  - c. Method used to establish the minimum operating temperature of 1,128° F.
19. Describe all replacement(s) and upgrade(s) to the transformer(s) associated with each EAF, since each EAF was installed. Provide:
  - a. The date of the replacement(s) and/or upgrade(s);
  - b. The cost of the replacement(s) or upgrade(s);
  - c. The rated capacity in kVA (thousands of volt-amperes) of each transformer that was replaced or upgraded transformer; and
  - d. How each upgrade and/or replacement affected each EAF, including whether each upgrade and/or replacement affected the melting capacity and/or throughput of each EAF.

20. Provide the following information for the cooling tube responsible for cooling emissions routed to the baghouse prior to arrival at the baghouse:
- a. Installation date;
  - b. Rationale for the installation;
  - c. Date(s) operation(s) began and ended;
  - d. Date cooling tube was permitted and copy of permit and permit application, if not provided in response to Requests 1 – 3; and
  - e. All documents, related to all studies, inspections, design plans, manufacturing information, and/or evaluations conducted or attempted, associated with and/or accounting for the cooling tube on the air pollution control equipment and control systems.
21. Identify and describe, in a chronologically organized table, all capital expenditures greater than \$50,000 commenced at the emission units, from January 1, 2000, to the present. This list must contain the approximate date each project (including maintenance projects and modifications) commenced, the date each project was completed or implemented, a brief description of each project, a list of expenses for each project, and the fixed capital cost of each project in nominal dollars. This should include, but not be limited to, capital expenditures associated with changes in fuel type, fuel feed operations, raw material feed rates, production rates, emission rates, and/or air pollution control equipment.
22. For each project identified in Request 21 which cost greater than \$100,000, provide copies of all capital appropriation requests, financial justifications, and authorizations, including attachments and addenda, generated by or prepared on behalf of the facility or its predecessors concerning that project.
23. Provide complete copies, from January 1, 2000, to the present, of all written correspondence, determinations, documents, or communications with IDEM concerning the applicability of the Prevention of Significant Deterioration and/or non-attainment New Source review requirements to the construction and/or modification of any equipment at the Facility:

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## **Determining Whether the Information is Entitled to Confidential Treatment**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your CBI claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider **confidential by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between

- disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
  8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Request to Provide

Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Mike Brooks, Environmental Engineer  
Steel Dynamics, Inc.  
8000 North County Road 225 East  
Pittsboro, Indiana 46167

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 10 day of February 2014.

Loretta Shaffer  
Loretta Shaffer  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7009 1680 0000 7667 5567



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 17 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Mike Henry  
Environmental Manager  
Exide Technologies  
2601 West Mount Pleasant Boulevard  
Muncie, Indiana 47302

Mr. Frederick Ganster  
Director: Environment, Health, & Safety  
Exide Technologies  
2900 Montrose Avenue  
Reading, Pennsylvania 19605

Re: Finding of Violation under 42 U.S.C. § 7413(a)(3)

Dear Messrs. Henry and Ganster:

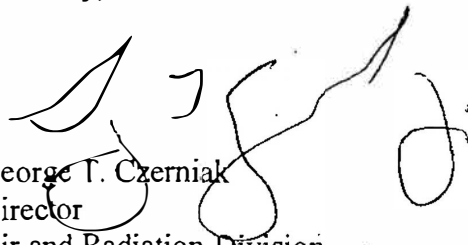
The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violations (FOV) to Exide Technologies (Exide) for violations of the Clean Air Act (CAA) identified at the facility located at 2601 West Mt. Pleasant Boulevard, Muncie Indiana (the Facility). The FOV is issued in accordance with Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

As outlined in the FOV, the EPA finds that Exide has violated the CAA, the Facility's Title V Operating Permit, and the National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting. Section 113 of the CAA, 42 U.S.C. § 7413, gives us several enforcement options to resolve these violations. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference. In this instance, we expect an attorney from the U.S. Department of Justice to attend the conference along with EPA representatives.

The EPA contact in this matter is Eleanor Kane. You may call her at (312) 353-4840 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

1. Section 112(c) of the CAA, 42 U.S.C. § 7412(c), requires the EPA to promulgate a list of all categories and subcategories of new and existing “major sources” of hazardous air pollutants (HAPs), and establish emissions standards for the categories and subcategories. These emission standards are known as National Emission Standards for Hazardous Air Pollutants (NESHAP). The EPA codified these standards at 40 C.F.R. Parts 61 and 63.
2. “Stationary source” is defined as “any building, structure, facility, or installation, which emits or may emit any air pollutant.” 42 U.S.C. § 7411(a)(3).
3. “Hazardous air pollutant” is defined as “any air pollutant listed in or pursuant to” Section 112(b) of the CAA, and includes, among other pollutants, lead compounds. 42 U.S.C. § 7412(a)(6).

4. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. *See also* 40 C.F.R. §§ 61.05 and 63.4.

#### The NESHAP for Secondary Lead Smelting

5. Pursuant to Section 112 of the CAA, the EPA has promulgated a NESHAP for Secondary Lead Smelting, which has been amended periodically and codified at 40 C.F.R. Part 63, Subpart X (the Secondary Lead NESHAP). *See* 60 Fed. Reg. 32587 (June 23, 1995); 62 Fed. Reg. 32216 (June 17, 1997); 64 Fed. Reg. 4572 (January 29, 1999); 64 Fed. Reg. 69643 (December 14, 1999); 70 Fed. Reg. 75320 (December 19, 2005); 77 Fed. Reg. 555 (January 5, 2012). Under the Secondary Lead NESHAP, the Facility's compliance date for the amendments promulgated in 2012 was January 6, 2014. Exide had a legal obligation to achieve early compliance with certain requirements of the Secondary Lead NESHAP under Indiana regulations codified at 326 IAC 20-13.1.
6. 40 C.F.R. § 63.541(a) states that the Secondary Lead NESHAP applies to the following affected sources at all secondary lead smelters: blast, reverberatory, rotary, and electric furnaces; refining kettles; agglomerating furnaces; dryers; process fugitive emissions sources; buildings containing lead bearing materials; and fugitive dust sources.
7. In 40 C.F.R. § 63.542, "total enclosure" is defined as "a containment building that is completely enclosed with a floor, walls, and a roof to prevent exposure to the elements and to assure containment of lead bearing material with limited openings to allow access and egress for people and vehicles. The total enclosure must provide an effective barrier against fugitive dust emissions such that the direction of air flow through any openings is inward and the enclosure is maintained under constant negative pressure."
8. 40 C.F.R. § 63.544(a)(5) requires that casting areas be operated in a total enclosure that is maintained at negative pressure at all times and vented to a control device designed to capture lead particulate. The total enclosure must meet the requirements specified in § 63.544(c).
9. 40 C.F.R. § 63.548(k) states that the source must install, operate, and maintain a digital differential pressure monitoring system to continuously monitor each total enclosure, as described in § 63.548(k)(1-5).
10. 40 C.F.R. § 63.543(l) requires that sources develop and follow standard operating procedures designed to minimize emissions of total hydrocarbons for each startup or shutdown scenario anticipated.
11. 40 C.F.R. § 63.543(c) requires that sources meet the applicable emissions limits for total hydrocarbons (THC) and dioxins and furans (D/F) from furnace sources as specified in Table 2 of the Secondary Lead NESHAP.
12. 40 C.F.R. § 63.548(j)(1) states that sources must install, calibrate, maintain, and continuously operate a device to monitor and record the temperature of the afterburner or

furnace exhaust streams consistent with the requirements for continuous monitoring systems in § 63.8.

13. 40 C.F.R. § 63.548(j)(2) states that prior to, or in conjunction with, the initial performance test to determine compliance with § 63.543(c), sources must conduct a performance evaluation for the temperature monitoring device according to § 63.8(e).
14. 40 C.F.R. § 63.548(j)(3) provides that sources must monitor and record the temperature of the afterburner or the furnace exhaust streams every 15 minutes during the initial performance test for THC and D/F and determine an arithmetic average for the recorded temperature measurements.
15. 40 C.F.R. § 63.543(k) states, in part, that a facility owner must at all times, "operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions."

#### Title V Requirements

16. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution. Section 502(d)(1) of the CAA, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program which meets the requirements of Title V. Pursuant to Appendix A of 40 C.F.R. Part 70, on December 4, 2001, EPA granted Indiana final approval of its Title V Clean Air Act Permit Program, effective November 30, 2001. 66 Fed. Reg. 62969.
17. 40 C.F.R. § 70.2 defines "major source" as, among other things, any stationary source that directly emits, or has the potential to emit: (i) 10 tons per year or more of any hazardous air pollutant listed pursuant to CAA Section 112(b); (ii) 25 tons or more of any combination of hazardous air pollutants; and/or (iii) 100 tons per year or more of any other air pollutant subject to regulation under the CAA.
18. Indiana's Title V operating permit program regulations are codified at 326 IAC 2-7, and are federally enforceable pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).
19. 40 C.F.R. § 70.6(b)(1) provides that Title V permits are federally enforceable and that all terms and conditions in a Title V permit are enforceable by the EPA.

#### Exide's Title V Permits

20. The Indiana Department of Environmental Management (IDEM) issued a modified Part 70 Operating Permit, No. 035-33188-00028 (Title V Permit) to the Facility on February 4, 2014. By its terms, the Title V Permit took effect immediately upon issuance. This permit incorporates by reference the Secondary Lead NESHAP in Section E.

21. Conditions D.2.1 and D.2.2 of the Title V Permit establish particulate matter (PM) and lead emission limits for the pig casting units and the pot furnaces.
22. Condition D.2.4(a) of the Title V Permit requires that, in order to ensure compliance with Conditions D.2.1 and D.2.2, the refinery baghouses (No. 1 and No. 2) shall be in operation at all times that the two lead pig casting machines and the eleven pot furnaces are in operation.
23. Conditions D.3.1 and D.3.2 of the Title V Permit establish PM and lead emission limits for, among others, the material handling, slag crushing, and insignificant melting pots controlled by the bin room baghouses (No. 1 and No. 2).
24. Condition D.3.4(b) of the Title V Permit requires that, in order to ensure compliance with Conditions D.3.1 and D.3.2, the bin room baghouses (No. 1 and No. 2) shall be in operation at all times that slag crushing is in operation.

#### **Relevant Factual Background**

25. Exide owns and operates the secondary lead smelting stationary source Facility located at 2601 West Mt. Pleasant Boulevard, Muncie, Indiana.
26. The Facility is a secondary lead smelter and is therefore subject to the requirements of the Secondary Lead NESHAP (40 C.F.R., Part 63, Subpart X).
27. In response to an information request from EPA issued on February 27, 2013, Exide provided a Ventilation Study performed in 2012 by a third party (2012 Ventilation Study).
28. The 2012 Ventilation Study states, "The building requires additional ventilation to guarantee the NESHAP for Secondary Lead Smelting requirements are met." Among other things, the 2012 Ventilation Study specifically states that the breaker room requires 71,000 actual cubic feet per minute of additional airflow.
29. On February 24 and 25, 2014, EPA conducted an inspection at the Facility.
30. During the February 2014 inspection, Exide personnel provided information on where in the Facility Bin Room Baghouse No. 2 and Refinery Baghouse No. 2 would provide additional ventilation. No additional ventilation was planned for the breaker room.
31. During the February 2014 inspection, Exide personnel provided information on the differential pressure monitoring system installed at the Facility, including identifying the location of three differential pressure sensors. The Facility has not installed a differential pressure sensor in the breaker room.
32. At the Facility, Exide operates a Strip Casting Machine which liquefies lead blocks into molten lead, and casts the lead into long, thin strips. The Strip Casting Machine is located within a casting area where casting operations occur, and it is therefore subject to

total enclosure requirements under 40 C.F.R. §§ 63.542 and 63.544(a)(5) and the differential pressure monitoring requirements imposed by 40 C.F.R. § 63.548(k). The Strip Casting Machine is not located within a containment building that meets the requirements for a total enclosure under the Secondary Lead NESHAP. There is no digital differential pressure monitoring system serving the building that contains the Strip Casting Machine.

33. During the February 2014 inspection, Exide personnel reported that they had not developed standard operating procedures designed to minimize emissions of total hydrocarbon for each startup or shutdown scenario anticipated.
34. During the February 2014 inspection, EPA inspectors noted that there was no instrumentation in place to monitor or record the temperature of the furnace exhaust from the blast furnace or reverberatory furnace.
35. A performance test was conducted at the Exide facility to measure emissions of D/F from the North and South Process Scrubber Stacks (serving the blast furnace and reverberatory furnace) on June 25, 27 and 28, 2013 (June 2013 D/F Test). The purpose of this testing was to attempt to establish compliance with the D/F emissions limitations of the Secondary Lead NESHAP. During the testing, the furnace exhaust temperature was not measured or recorded.
36. During the February 2014 inspection, Exide personnel stated that the Bin Room Baghouse No. 2 was under construction and was expected to be operational in May 2014.
37. During the February 2014 inspection, Exide personnel stated that construction for Refinery Baghouse No. 2 had not yet begun, but was slated to begin in 2016.

### **Finding of Violations**

#### **Violations of the NESHAP for Secondary Lead Smelting**

38. By failing to include the Strip Casting Machine in a total enclosure, Exide has violated the total enclosure standards established in 40 C.F.R. § 63.544. Exide also has violated the associated differential pressure monitoring requirements in 40 C.F.R. § 63.548(k)(2).
39. By failing to develop and follow standard operating procedures designed to minimize emissions of total hydrocarbon for each startup or shutdown scenario anticipated, Exide violated the standards established in 40 C.F.R. § 63.543(l).
40. By failing to install, calibrate, maintain, and continuously operate a device to monitor and record the temperature of the furnace exhaust streams consistent with the requirements for continuous monitoring systems in 40 C.F.R. § 63.8, Exide has violated the monitoring requirements of § 63.548(j)(1).
41. By failing to conduct a performance evaluation for the temperature monitoring device prior to, or in conjunction with, the initial performance test to determine compliance with

the D/F emissions limits, Exide has violated the monitoring requirements of 40 C.F.R. § 63.548(j)(2).

42. By failing to monitor temperature during the June 2013 D/F Test, Exide failed to monitor and record the temperature of the furnace exhaust streams every 15 minutes during the initial performance test for D/F, and failed to determine an arithmetic average for the recorded temperature measurements, in violation of 40 C.F.R. § 63.548(j)(3).
43. By failing to improve ventilation at the breaker room, described as "required" to ensure compliance with the NESHAP in the 2012 Ventilation Study, Exide failed to operate the Facility in a manner consistent with good air pollution control practices for minimizing emissions, in violation of 40 C.F.R. § 63.543(k).
44. Exide's failures to satisfy the requirements of 40 C.F.R. Part 63, Subpart X, constitute violations of Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3).

#### Violations of the Title V Permits

45. By failing to complete construction of Bin Room Baghouse No. 2 by the effective date of the Title V Permit, and by failing to operate Bin Room Baghouse No. 2 at all times that the two lead pig casting machines and the eleven pot furnaces are in operation, Exide has violated and continues to violate Condition D.2.4(a) of the Title V Permit, and has failed to demonstrate continuous compliance with Condition D.2.1 and D.2.2.
46. By failing to complete construction of Refinery Baghouse No. 2 by the effective date of the Title V Permit, and by failing to operate Refinery Baghouse No. 2 at all times that slag crushing is in operation, Exide has violated and continues to violate condition D.3.4(b) of the Title V Permit, and has failed to demonstrate continuous compliance with Conditions D.3.1 and D.3.2.
47. Exide's violations of its Title V Permit are actionable under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

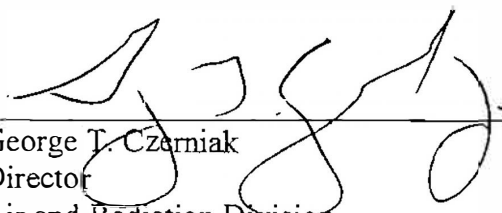
#### **Environmental Impact of Violations**

48. Exide's violations resulted in increased emissions of lead. Lead can affect almost every organ in the body, but is most detrimental to the nervous system. In children, low levels of lead in the blood can result in permanent damage to the brain and nervous system, leading to behavior and learning problems, lower IQ, hearing problems, slowed growth, and anemia. In adults, lead has nervous system effects, cardiovascular effects, and causes decreased kidney function. Lead can also lead to reproductive problems for both men and women and has serious effects on pregnancy and developing fetuses.

49. Exide's violations resulted in increased emissions of PM. PM, especially fine particulate, contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. PM exposure contributes to irritation of the airways, coughing, and difficulty breathing, decreased lung function; aggravated asthma, chronic bronchitis, irregular heartbeat, nonfatal heart attacks, and premature death in people with heart or lung disease.
50. Exide's violations may have resulted in increased emissions of THC and volatile organic compounds (VOCs). VOCs can cause eye, nose, and throat irritation, headaches, loss of coordination, nausea, damage to liver, kidney, and central nervous system. VOCs are major precursors in the formation of atmospheric and ground-level ozone, a photochemical oxidant associated with a number of detrimental health effects, environmental, and ecological effects. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.
51. Exide's violations may have caused increased emissions of D/F. D/F can cause a number of health effects. The most well known member of the D/F family is 2,3,7,8 TCDD, which is a suspected human carcinogen. In addition, people exposed to D/F have experienced changes in hormone levels. Studies show that animals exposed to D/F experienced changes in their hormone systems, changes in the development of the fetus, decreased ability to reproduce, and suppressed immune system.

Date

4/17/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-14-IN-03, by Certified Mail, Return Receipt Requested, to:

Mr. Mike Henry  
Environmental Manager  
Exide Technologies  
2601 West Mt. Pleasant Boulevard  
Muncie, Indiana 47302


Mr. Frederick Ganster  
Exide Technologies  
Director Environment, Health, & Safety  
2900 Montrose Ave  
Reading, PA 19605

700916800000 7676 2922

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Mr. Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 22 day of April 2014.

  
Loretta Shaffer, APA  
Planning and Administrative Section

CERTIFIED MAIL RECEIPT NUMBER:

70091680 0000 7676 2915

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Steel Dynamics, Inc.  
2601 South County Road 700 East  
Columbia City, Indiana 46725**

**ATTENTION:**

**Bill Bougher  
Environmental Engineer**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Steel Dynamics, Inc. (SDI or you) to submit certain information about the facility located at 2601 South County Road 700 East in Columbia City, Indiana ("the facility"). Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

SDI owns and operates emission sources at the Columbia City, Indiana facility. We are requesting this information to determine whether your emission sources are complying with the Indiana State Implementation Plan and the CAA.

SDI must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

SDI must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

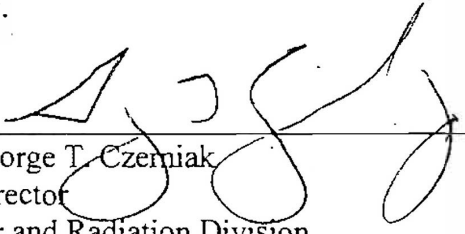
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject SDI to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Alexandra Letuchy at (312) 886-6035 or at [Letuchy.alexandra@epa.gov](mailto:Letuchy.alexandra@epa.gov).

Date

4/28/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
  2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
  3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
  4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
- 
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
  6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide the submission on physical media such as compact disk, flash drive or similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

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All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term "tap-to-tap cycle" shall mean an electric arc furnace operating cycle made up of the following operations: furnace charging, melting, refining, de-slagging, tapping, and furnace turn-around.

## Appendix B

### Information You Are Required to Submit to EPA

SDI must submit the following information for its facility located at 2601 South County Road 700 East, Columbia City, Indiana ("the facility") pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 calendar days of its receipt of this letter.

1. Provide a copy of each current air permit issued to SDI by the Indiana Department of Environmental Management (IDEM), including, but not limited to, construction permits, minor source operating permits (MSOPs), federally enforceable state operating permits (FESOPs), and Part 70 (Title V) Operating Permits.
2. Provide a copy of all permit applications submitted to IDEM since May 2004. Also provide a copy of the original permit application for the current Title V Permit No. T183-17160-00030.
3. Provide a copy of all previous final permits issued by IDEM to the facility since May 2004.

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4. Provide a table of all emissions tests conducted at the facility for any reason, from May 2004 to the present, and provide copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the table and preparing copies of the stack test reports:
  - a. **Table:** Identify the emissions unit, the control device, the date of the test, the federal or state regulation requiring the test (if applicable), pollutants tested, throughput during test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with IDEM.
  - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
5. Provide copies of any deviation, excess emissions reports, or startup, shutdown, and malfunction reports for the facility submitted to IDEM or EPA since May 2009.
6. Provide copies of all quarterly reports, semi-annual compliance reports, or equivalent documents for the facility submitted to either IDEM or EPA since May 2009.
7. Provide copies of all annual emissions reports submitted to IDEM for the facility from 2004 to the present, and include:
  - a. A narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used;

- b. Any documents outlining procedures for calculating annual emissions; and
  - c. A table describing the assumed/estimated capture efficiencies for each control device(s) and the associated emission unit(s), including any associated documentation used in developing the capture efficiencies.
8. Provide all documents, related to all studies, inspections, or evaluations conducted or attempted for any reason from May 2004 to the present, of the air pollution control equipment and control systems at the facility, including, but not limited to: .
- a. System improvements implemented based on findings of any study, inspection, or evaluation;
  - b. Modeling emissions of air pollutants to the atmosphere;
  - c. Ventilation of the electric arc furnaces (EAFs), ladle metallurgical station (LMS), and Continuous Casters;
  - d. Capture and collection of pollutants emitted by the EAFs, LMS, and Continuous Casters;
- 
- e. Performance of the baghouse-ventilation-and-control system (including volumetric flow measurements and static pressure measurements); and
  - f. Commissioning reports.
9. Provide a diagram of the ventilation-and-control system that controls emissions from the EAFs, LMS, Ladle Vacuum Degasser, Ladle Vacuum Degasser Boiler, and Continuous Casters that shows:
- a. All ducted pickup points, canopies, hoods, *etc.*
  - b. All damper locations, if applicable; and
  - c. The location of all devices used to measure air flow or pressure, if applicable.
10. Provide the following information for the EAFs for all times that the emission units were operating during the period of May 2004 to the present. Provide this information in an Excel Workbook or compatible format:
- a. Monthly production in tons, including tons per twelve consecutive-month periods;
  - b. Monthly average tap-to-tap cycle time;
  - c. Monthly average production rate (tons/hour);
  - d. Dates of installation of all improvements and modifications; and
  - e. Baghouse dust collected in tons per month from the EAF Baghouse.

11. Provide records of the verification of sulfur content of direct reduced iron (DRI), charge carbon, and injection carbon added into the EAFs from January 2009 to the present.
12. Provide a statement that identifies how the facility ensures compliance with the requirement that the meltshop "be located in a total enclosure subject to general ventilation that maintains the meltshop at a lower than ambient pressure to ensure in-draft through any doorway opening," pursuant to Section D.1.6(d) of Part 70 Operating Permit Renewal No. 183-31006-00030, issued on October 16, 2013 (and included in all prior operating permits) and provide all records and supporting documentation that demonstrate compliance with this requirement, from January 2004 to the present.
13. Provide the following information regarding the Continuous Emissions Monitoring System (CEMS) and Continuous Opacity Monitoring System (COMS) in use at the EAFs from May 2004 to the present:
  - a. Records of the output of the COMS;
  - b. Quarterly COMS downtime;
  - c. Records of breakdowns of the COMS, date, time of commencement and completion of each downtime, reason of the breakdown, and efforts made to correct the problem;
  - d. Method 9 visible emission readings performed during a COMS malfunction;
  - e. Records of the output of the carbon monoxide (CO) CEMS;
  - f. Records of breakdowns of the CEMS, date, time of commencement and completion of each downtime, reason of the breakdown, and efforts made to correct the problem;
  - g. Records of inspection performed as required when the CO CEMS is malfunctioning; and
  - h. Copies of all maintenance logs, calibration checks, and other required quality assurance activities performed.
14. The Part 70 Operating Permit No. 183-27131-00030, issued on February 16, 2009 (2009 Operating Permit) required the use of a Bag Leak Detection System (BLDS) at the EAF Baghouse (Section D.1.22 of 2009 Operating Permit). The Prevention of Significant Deterioration/Significant Source Modification Permit No. 183-27145-00030 (2012 PSD Permit), issued on December 21, 2012, did not require the use of a BLDS at the EAF Baghouse. Provide all documentation associated with this permit modification and all related correspondence with IDEM.
15. The 2009 Operating Permit required the monitoring of total building enclosure requirements (*i.e.*, in draft or negative pressure conditions) in Section D.1.24. The 2012 PSD Permit did not include the total building enclosure monitoring requirement. Provide

all documentation associated with this permit modification and all related correspondence with IDEM.

16. Within 30 days of receipt of this letter, SDI must install a differential pressure gage, such that:
  - a. The differential pressure gauge is installed on the leeward wall of the meltshop building to measure the pressure difference between the inside and outside of the building;
  - b. The pressure gauge shall be certified by the manufacturer to be capable of continuously measuring pressure differential in the range of 0.02 to 0.2 mm Hg; and
  - c. Both the inside and outside taps shall be shielded to reduce the effects of wind.
17. The differential pressure gauge installed in Request 16 shall be operated:
  - a. For 12 continuous months;
  - b. During all periods of EAF operation; and
  - c. According to the recommended calibration and maintenance schedule of the manufacturer.
18. Within 30 days of the completion of each month of monitoring, provide a monthly differential pressure gauge output report that includes:
  - a. Continuous differential pressure data for each day of the monitoring period;
  - b. Documentation for any differential pressure gauge downtime while an EAF was in operation, including the length of the downtime; and
  - c. Documentation for any periods where the differential pressure was less than 0.02 mm Hg, including but not limited to the date, time, duration, cause of the incident, and any corrective actions taken during these negative pressure events.
19. Provide all Method 9 visual emissions (opacity) readings from May 2011 to the present. The records should state the emission unit, control device, and/or stack. Abnormal emissions observations should be accompanied by records of the reasonable steps taken in response to the emissions.
20. Provide the following information regarding the LMS baghouse from May 2009 to the present:
  - a. Recorded pressure drop data in an Excel Workbook or other compatible format;
  - b. Pressure drop range associated with proper operation;

- c. Method used to establish the pressure drop range associated with proper operation; and
  - d. Effective dates of the pressure drop range associated with proper operation.
- 21. For the EAFs, provide the following information, recorded and maintained pursuant to 40 C.F.R. § 60.274a, for the period of May 2009 to the present, including, but not limited to, fan amperage, damper positioning, and furnace pressure:
  - a. Recorded operating parameter data in an Excel Workbook or other compatible format;
  - b. Operating parameter limits;
  - c. Method used to establish each operating parameter limit; and
  - d. Effective dates of the operating limit parameters.
- 22. Provide copies of all inspections performed on the control equipment, including, but not limited to monthly operational status inspections of the equipment required under 40 C.F.R. § 274a(d) from May 2009 to the present.
- 23. For the following emissions units: EAF-1a, EAF-1b, LMS and their associated control devices, LVD Boiler (ID#41), EAF dust storage silo (ID# 4), eight raw material storage silos (ID# 5 through ID# 12) and the associated raw material receiving station, and the existing three raw material storage silos (ID#12a through ID#12c), provide:
  - a. Copies of each current Preventive Maintenance Plan (PMP);
  - b. Records of preventative maintenance performed on these units from May 2013 to the present.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

"Emission data" means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

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Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

### Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

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1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between

disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

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### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Request to Provide

Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Bill Bougher, Environmental Engineer  
Steel Dynamics, Inc.  
2601 South County Road 700 East  
Columbia City, Indiana 46725

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
~~100-N-Senate-Ave.~~  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 30 day of April 2014.

Loretta Shaffer

Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7009 1680 0000 7676 3059

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Duke Energy Indiana, Inc.  
Gibson Generating Station  
1000 East Main Street  
Plainfield, Indiana 46168

**ATTENTION:**

Rebecca Sparks, Environmental Manager

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Duke Energy Indiana (Duke) to submit certain information about its facility in Gibson County, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to EPA within fourteen (14) calendar days after you receive this request, unless otherwise specified.

EPA is issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

EPA 5 believes that Duke may have information necessary for the purposes set forth in Section 114(a) of the CAA. EPA is requesting this information to determine whether your emission source is complying with the CAA.

Duke must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Duke must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

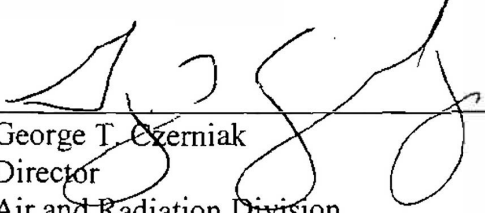
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

EPA may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Duke to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Ethan Chatfield at (312) 886-5112.

4/30/14  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term “Duke Energy” shall mean Duke Energy Indiana, and all subsidiaries and related entities.

## Appendix B

### Information You Are Required to Submit to EPA

Provide the following information using the instructions and definitions provided in Appendix A. If possible, EPA requests that all information be provided in electronic (.pdf or .xls) format.

1. Provide an electronic (Microsoft Excel compatible) copy of all continuous opacity monitor system (COMS) data (6-minute averages) that exceeds 20/40 percent opacity (as applicable) for each coal-fired boiler at the Gibson Station from July 1, 2013 to the date of this request. COMS data should include percent opacity, date and time, a reason/action code with description, and any corrective actions taken for each 6-minute average opacity exceedance period. In addition, for each 6-minute average opacity exceedance period, provide the relevant unit's flue gas temperature at the ESP inlet, the operating status of the relevant unit's (s') ESP(s) (including the percentage of sections out of service and the overall power level at which the ESP is operating), and the operating status of each boiler (i.e. MW load). Providing copies of the Quarterly Deviation and Compliance Monitoring/Opacity Exceedance Events Reports is not sufficient in responding to this request. Do not provide all COMS data during this period (i.e. too much data), but only the 6-minute average data that exceeds the 20/40 percent opacity in the applicable standard.
2. Provide copies of all visible emission observations (i.e. EPA Method 9 readings) for the Gibson coal-fired boilers completed from July 1, 2013 to the date of this request.
3. Provide a complete copy of all Part 70 Quarterly and Annual Deviation Reports from August 1, 2013 to the date of this request.
4. Provide copies of the summary results page of any and all stack tests for the Gibson station coal-fired boilers for particulate matter (PM), PM<sub>10</sub>, PM<sub>2.5</sub>, H<sub>2</sub>SO<sub>4</sub>, HCl, and SO<sub>3</sub> from June 1, 2013 to the date of this request. Test data already submitted to EPA under previous information requests need not be submitted.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Rebecca Sparks  
Duke Energy  
1000 East Main Street  
Plainfield, Indiana 46168


I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Julie Ezell  
Associate General Counsel  
Duke Energy Business Services, Inc.  
1000 East Main Street  
Plainfield, Indiana 46168

Scott Alexander  
Taft Stettinius & Hollister  
One Indiana Square Suite 3500  
Indianapolis, IN 46204

Phil Perry, Branch Chief  
Office of Air Quality / Compliance Branch  
Indiana Department of Environmental Management  
100 North Senate Avenue / Room IGCN 1003  
Indianapolis, Indiana 46204-2251

On the 5 day of May 2014.

  
Loretta Shaffer  
Administrative Professional Assistant  
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 3097

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**POET Biorefining  
2265 East County Road 800 South  
Cloverdale, Indiana 46120**

**ATTENTION: David A. Brooks, General Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring POET Biorefining (POET or you) to submit certain information about the facility at 2265 East County Road 800 South, Cloverdale, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

POET owns and operates an emission source at the Cloverdale, Indiana facility. We are requesting this information to determine whether your emission source is complying with the Indiana State Implementation Plan.

POET must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

POET must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

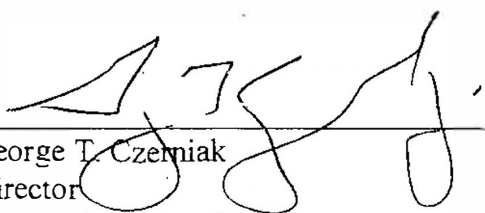
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject POET to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Manoj P. Patel at (312) 353-3565.

Date

5/1/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced; or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.

1. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## **Appendix B**

### **Information You Are Required to Submit to EPA**

POET Biorefining (POET) must submit the following information for its facility located at 2265 East County Road 800 South, Cloverdale, Indiana (facility) pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a):

1. Provide the name and address of the original owner and/or operator of the facility. Specify when POET acquired or otherwise became owner of the facility, and identify the individual(s), corporation(s), or other entities from whom the facility was acquired. Explain if POET has any corporate, partnership, or other business relationships or affiliations with any previous owner or operator of the facility, and if so, provide a complete description of such relationship and affiliation. Provide a list of current owners and the current corresponding ownership stake in the facility.
2. Provide the following information related to grain, from the facility's first day of operation to present:
  - a. Grain received (tons/month);
  - b. Grain in storage (tons);
  - c. Grain processed, based on amount received adjusted for change in amount stored (tons/month);
  - d. Grain processed;
  - e. Facility's total permanent grain storage capacity; and
  - f. Identify whether the facility is subject to 40 C.F.R. Part 60, Subpart DD, Standards of Performance for Grain Elevators.
3. Provide documentation demonstrating the total denatured ethanol and fuel grade ethanol production (200 proof) at the facility in terms of million gallons per month and million gallons per year, from the facility's first day of operation to present.
4. Provide documentation demonstrating the total natural gas usage by the facility in million cubic feet per month and million cubic feet per year, from the facility's first day of operation to present.
5. Provide the actual annual emissions reported to the Indiana Department of Environmental Management (IDEM) for the facility, from the facility's first day of operation to present. Provide the calculation method for the annual emissions calculations, including the basis of any emissions factors used, all assumptions made, and a copy of the reports. This should include all pollutants reported to IDEM.
6. Provide map(s) or drawing(s), identifying all air emission sources (including identification number) and associated processes at the facility, including, but not limited

to, grain receiving and handling operations, corn storage bins, hammer mills, the fermentation process, the recuperative thermal oxidizer (RTO), the distillation process, dryers (ring dryers and cooling drum), distillers dried grains with solubles (DDGS), distillers wet grains (WDG), handling and storage operations, the ethanol loading system, scrubbers, baghouses, and tanks.

7. Provide an electronic Excel compatible spreadsheet with the complete, facility-wide potential to emit calculations. Include in the response a written description of how each column in the Excel compatible spreadsheet is calculated. Additionally, provide copies of the following records related to all emissions from the facility, from the facility's first day of operation to present:
  - a. Documentation used to establish the emission rates or factors and maximum hourly emission rates for emissions of different pollutants used by the facility to determine emissions of the various process units and all other emission points at the facility;
  - b. Records of all other data used or relied upon by the facility to determine the emissions of the process units and other emission points, including physical and chemical constants; and
  - c. Records for upsets in the operation of any process units (e.g. feed dryers) that could generate additional emissions, with a description of the incident, explanation of the upset and corrective actions and any preventative measures taken. Provide an estimate of the additional emissions that occurred, with supporting calculations and background information.
8. Provide a list and copy of each stack test conducted on any emission unit for any reason at the facility, from the facility's first day of operation to present. Include all test runs, even if a full test series was not completed. In the response, clearly identify the emission unit, specify the date of the test, and test method(s) used. Emissions testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Indicate whether the report was shared with the local and/or state permitting agency. Provide a copy of the entire report, including all calculations relative to the stack test, and the section describing the process parameters and production or processing rates at the time of the test. Also, provide copies of any reports of visible emission observations conducted during each test. For each test during which the source was not operating at maximum design capacity, provide an explanation why production was limited.
9. Description of any modifications to the CEMS since original installation. Provide copies of each certification, calibration, or Relative Accuracy Test Audit (RATA) performed on the CEMS since installation. Also, list the date(s) when each certification, calibration, or RATA was performed.
10. Provide copies of the manufacturer specifications for all RTOs at the facility. Specifications must include a diagram of the entire unit and any filters or particulate capture systems the unit utilizes to prevent particulate build up. If filters are a part of the

facility's RTO, provide a date (DD/MM/YYYY) and description of any issues the facility has had with the internal filters.

11. Provide documentation to confirm whether the facility is subject to 40 C.F.R. Part 60, Subpart NNN, Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry Distillation Operations.
12. Provide documentation to confirm whether the facility is subject to 40 C.F.R. Part 60, Subpart Kb, NSPS for Volatile Organic Liquid, including specifications of all tanks loading devices, roofs, and seals. Provide records of all annual inspections.
13. Provide documentation to confirm whether the facility is subject to 40 C.F.R. Part 60, Subpart RRR, Standards of Performance for Volatile Organic Compound Emissions from Reactor Processes.
14. Provide documentation to confirm whether the facility is subject to 40 C.F.R. Part 60, Subpart XX, NSPS for Bulk Gasoline Terminals.
15. Provide documentation to confirm whether the facility is subject to 40 C.F.R. Part 60, Subpart VV, NSPS for Equipment Leaks of volatile organic compounds (VOC) in the Synthetic Organic Chemicals Manufacturing Industry.
16. Provide a copy of the facility's Startup, Shut-down, and Malfunction Plan.
17. Provide a list and copies of all air permits and permit applications, including any permits to construct, to operate, or orders issued since the first day of operation. In the list:
  - a. Specify the date of permit issuance;
  - b. Provide a list of equipment that was modified or constructed pursuant to the permit;
  - c. State whether the permit is a minor new source review (minor NSR) permit, prevention of significant deterioration (PSD) permit, major non-attainment NSR permit or another type of permit; and
  - d. If a permit is a PSD or major non-attainment NSR permit, specify the pollutants for which such permit was issued.
18. Provide true, accurate, and complete copies of all written correspondence, determinations, documents, or communications with IDEM concerning the applicability of PSD and major non-attainment NSR rules regarding the construction or modification of equipment at the facility.
19. Provide copies of manufacturer specifications for all scrubbers at the facility. Specifications must include a minimum of a product bulletin, handling, installation, and operational manual, scrubber packing details, system details, scrubber hydraulic calculations, a generalized pressure drop correlation diagram, detailed calculation results such as tower cross sectional area, gas superficial velocity, liquid superficial velocity,

flooding pressure drop, total pressure drop, bed volume, bed mass – full of liquid; bed mass – full of water, total bed surface area, and a total number of packing pieces.

20. Provide the following information for each scrubber at the facility, from the facility's first day of operation to present:

- a. Manufacturer's technical specifications, including capacity;
- b. Capacity of scrubber blower in horsepower and acfm;
- c. Scrubber water flow rate (hourly average);
- d. Scrubber water outlet temperature ( $^{\circ}\text{F}$ , hourly average);
- e. Scrubber exhaust gas outlet temperature ( $^{\circ}\text{F}$ , hourly average);
- f. Type and usage rate of scrubbing additive for control of acetaldehyde (gallons per day);
- g. The operating differential pressure across the packed bed and demister section of the scrubber (hourly average);
- h. The monitoring system high and low alarm settings for scrubber differential pressure;
- i. Any permit deviation reports, including start-up, shut-down, and malfunction reports including calculations used to estimate mass of material released;
- j. Document steps taken to clean scrubber packing and frequency of cleanings;
- k. Type of scrubber packing used and frequency of replacement;
- l. Inspection, maintenance, and repair logs; and
- m. Records of the scrubbing additive added into the scrubber on an hourly or a daily basis for control of acetaldehyde. This includes, but not limited to, purchase records, logs, or electronic records prepared by the facility personnel.

21. Provide the following information for each RTO system at the facility, from the facility's first day of operation to present:

- a. Documentation demonstrating if the RTO is a regenerative or recuperative RTO;
- b. Rated firing capacity of each fuel burner (mmBtu/hour);
- c. Monthly natural gas usage records (in cubic feet per month);
- d. Hourly temperature readings, in an Excel Workbook, including date and time of the readings;
- e. Records from the monitoring system used to monitor the valve or damper position for the flow of each control device used to direct various exhaust streams to the RTO;
- f. Describe any maintenance issues the facility has corrected since the construction and operation of the unit; and
- g. Any permit deviation reports, including start-up, shut-down, and malfunction.

22. Provide the following information for each flare at the facility, from the facility's first day of operation to present:

- a. Records for each event when ethanol loadout continued when associated flare was not operating properly, including the following:

- i. Date, time, and duration;
    - ii. Description of event;
    - iii. Estimated amount of ethanol loaded until the situation was corrected or loadout ceased;
    - iv. Correction action(s) taken; and
    - v. Actions taken to prevent or reduce the likelihood of future occurrences.
  - b. Any excess visible emission reports;
  - c. Destruction efficiency documentation;
  - d. Manufacturer's specifications; and
  - e. All quarterly loadout leaking vapor inspection reports.
23. Provide copies of the following operating log(s), from the facility's first day of operation to present:
- a. For process units controlled by an RTO (including yeast tanks, mash preparation units, and distillation units), the operating levels of the units during periods when the units operated when the RTO was out of service or was experiencing an upset or malfunction; and
  - b. For feed dryers (including cooling drum), periods when feed was present in a dryer while the associated RTO not in operation.
24. Provide the following information about the feed drying, feed cooling, and load out process:
- a. Identify all cyclones for the feed dryers by identification number;
  - b. A copy of the manufacturer's specifications and recommended operating and maintenance procedures for the cyclones;
  - c. Efficiency rate of the cyclones;
  - d. If emissions from feed cooling drums are handled by a baghouse and an RTO system, provide the percentage of feed cooling drum air flow handled by the RTO system and if the facility can adjust the volume of air the RTO system receives from the feed cooling drum;
  - e. Records of the monthly and annual particulate matter (PM), VOC, and Hazardous Air Pollutants (HAP) emissions from the feed cooling and transport system, with supporting calculations;
  - f. Records of the monthly and annual PM emissions from the DDGS load out system, with supporting calculations; and
  - g. Records of the monthly and annual VOC and HAP emissions from WDG transfer and load out, with supporting calculations.
25. Provide the following information about the ethanol loadout process at the facility, from the first day of operation to present:
- a. Documents for all leaks identified and actions taken to repair leaks at the railcar, truck, or barge loadout during the 5 minute check;

- b. Copies of quarterly inspection reports of the vapor collection system and the transport vehicles;
  - c. Operating records, including date and amount of ethanol loaded; and
  - d. Explanation and calculations detailing how the facility quantifies emissions from the loading of the facility's gasoline denaturant tank, specifically during the loading of denaturant into the tank.
26. Provide the following information for each affected steam generating unit under 40 C.F.R. 60, Subpart Db, at the facility, from the facility's first day of operation to present:
- a. Calendar date;
  - b. The 30-day average hourly NO<sub>x</sub> emission rates (expressed as NO<sub>2</sub>) (in lb/million Btu heat input) measured;
  - c. The 30-day average NO<sub>x</sub> emission rates (in lb/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured hourly NO<sub>x</sub> emission rates for the preceding 30 steam generating unit operating days;
  - d. Identification of the steam generating operating days when the calculated 30-day average NO<sub>x</sub> emission rates are in excess of the NSPS Subpart Db standards;
  - e. Identification of the operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken;
  - f. Identification of times when emission data have been excluded from calculation of average emission rates and the reasons for excluding data;
  - g. Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system;
  - h. Identification of "F" factor used for the calculations, the method of determination, and the type of fuel combusted;
  - i. Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with Performance Specification 2 or 3 of the NSPS 40 CFR Part 60;
  - j. Results of the daily CEMS drift tests and quarterly accuracy assessments as required under Appendix F, Procedure 1.
  - k. Identify if the steam generating is an "affected" boiler under 40 C.F.R. Part 63, Subpart DDDDD, the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Industrial-Commercial-Institutional boilers and process heaters;
  - l. Identify the fuel combusted in the steam generating unit;
  - m. The design heat input capacity (mmBTU/hour);
  - n. All oxygen levels measured in the flue gas (in hourly averages, on a dry basis);
  - o. Any permit deviation reports, including start-up, shut-down, and malfunction reports; and
  - p. Documentation of how the emissions factor(s) and the maximum hourly emission rates used by the facility to determine the CO, PM, sulfur dioxide (SO<sub>2</sub>), VOC, and HAP emissions were derived.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

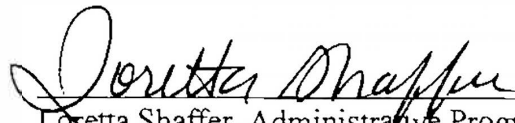
I, Loretta Shafer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

David A. Brooks, General Manager  
POET Biorefining  
2265 East County Road 800 South  
Cloverdale, Indiana 46120

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Phil Perry, Branch Chief  
Office of Air Quality/Compliance &  
Enforcement Branch  
Indiana Department of Environmental  
Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

On the 2 day of May 2014.

  
Loretta Shaffer, Administrative Program  
Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 3073

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Nikkei Aluminum America, Incorporated  
6875 Inwood Drive  
Columbus, Indiana 47201

**ATTENTION:**

Dean Thomas  
Plant Manager

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Nikkei Aluminum America, Incorporated ("Nikkei" or "you") to submit certain information regarding its facility located at 6875 Inwood Drive, Columbus, Indiana 47201. Appendix C specifies the information that you must submit pertaining to your facility. Appendix B contains instructions and definitions that you should use to provide the requested information. You must send this information to EPA within thirty (30) calendar days after you receive this request.

EPA is issuing this information request under section 114(a) of the Clean Air Act, 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Nikkei owns and operates an emission source in Columbus, Indiana. EPA is requesting this information to determine whether your emission source is complying with the Clean Air Act and the national emission standards for Hazardous Air Pollutants for Secondary Aluminum Production in 40 C.F.R. Part 63, Subpart RRR.

You must send all required information to:

Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Nikkei must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

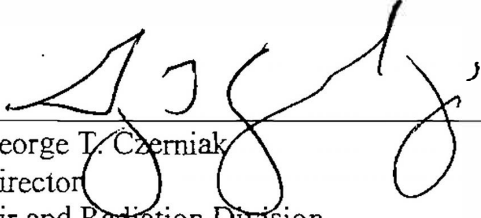
We may use any information submitted in response to this request in an administrative, civil, or criminal action.

Failure to comply fully with this request for information may subject Nikkei to an enforcement action under section 113 of the Act, 42 U.S.C. § 7413.

You should direct any questions about this request for information to Katharina Bellairs at (312) 353-1669.

Date

6/17/54

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR.

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## Appendix B

The following information regarding Nikkei's Columbus, Indiana facility must be supplied in accordance with the foregoing Request for Information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 calendar days of receipt of this letter:

1. For each process at the facility, provide the following information:
  - a. an overall process diagram;
  - b. a description of the secondary aluminum production process and its maximum production capacity;
  - c. a complete and accurate description of the equipment used in the secondary aluminum production process, including but not limited to all furnaces and thermal chip dryers;
  - d. a diagram of each furnace and a complete and accurate description that shows its major features, including all exhaust flues, wells, doors, and configurations of the burners;
  - e. a complete and accurate description of all emissions control equipment used at the facility, including all design specifications; and
  - f. a complete and accurate description of the metal charging process.
2. Describe in detail each of the materials typically charged into the furnace, including a description of all contaminants, paint, and oils present on the scrap. Provide true, accurate and complete copies of all documents that contain information about the constituents or characteristics of the aluminum scrap and other materials being charged into the furnace, including but not limited to, all sampling and analysis reports, waste characterizations or waste profiles, and Material Safety Data Sheets.
3. Describe each scrap melting furnace in operation at Nikkei. Include the design specifications, charging capacity, burner heat input capacity, operating schedule, mode of operation and date of installation. Identify each furnace as a Group 1 furnace, a Group 2 furnace, or a sweat furnace (as defined in 40 C.F.R. Part 63, Subpart RRR) and provide a detailed justification for the identification. Provide true, accurate, and complete copies of all documents that support the identification of each furnace as a Group 1 furnace, Group 2 furnace, or sweat furnace.
4. Describe all maintenance work and improvements made to each scrap melting furnace during the period from May 1, 2010, to the date of this request, and any changes in capacity or emissions that resulted from this work.
5. Provide a photograph of each label posted at Nikkei's furnaces, as described in 40 C.F.R. § 63.1506(b), that identifies the applicable emission limits and means of compliance, and identify all the information contained on the label.
6. Identify all fluxes/fluxing agents and/or chlorine used in the facility's secondary aluminum production operation. Provide true, accurate, and complete copies of all

records of flux/fluxing agent usage and furnace melt quantities from May 31, 2010, through the date of this request. Provide true, accurate, and complete copies of all Material Safety Data Sheets for all fluxes/fluxing agents, and all sampling and analysis reports for each flux/fluxing agent. In addition, describe how each flux/fluxing agent is used in the furnace during all operations, and identify and explain where each flux/fluxing agent is added during operations.

7. For each of the following pollutants, provide annual reported emissions data for the facility, in tons per year, from May 1, 2010, to the date of this request, and explain the method, calculations, and data used to determine these emissions:
  - a. volatile organic compounds;
  - b. nitrogen oxides;
  - c. sulfur oxides;
  - d. hydrochloric acid;
  - e. particulate matter;
  - f. dioxin/furans; and
  - g. hazardous air pollutant emissions and any other reported emissions.
8. Provide a true, accurate, and complete copy of each permit and corresponding permit application for each permit to install issued by Indiana Department of Environmental Management (IDEM) for the Nikkei facility.
9. Provide true, accurate, and complete copies of all reports and other data relating to any air emission testing conducted at the facility during the period of time from May 1, 2010, through the date of this request. Include true, accurate, and complete copies of all source test protocols and source test results conducted by or on behalf of the facility.
10. Provide a true, accurate, and complete copy of your initial notification, as described by 40 C.F.R. §§ 63.9(b) and 63.1515(a), previously submitted to IDEM.
11. Provide true, accurate, and complete copies of the notification of compliance status report described at 40 C.F.R. § 63.1515(b), previously submitted to IDEM.
12. Provide true, accurate, and complete copies of Nikkei's Operation, Maintenance, and Monitoring (OM&M) plan and Startup/Shutdown/Malfunction plan under 40 C.F.R. § 63.1510(b) and 40 C.F.R. § 63.1516(a), respectively.
13. Provide a demonstration, including engineering design calculations, that the capture and collection systems on all furnaces were designed and installed to meet the engineering standards for minimum exhaust rates as published by the American Conference of Governmental Industrial Hygienists in chapters 3 and 5 of "Industrial Ventilation: A Manual of Recommended Practice" 40 C.F.R. § 63.1506(c).
14. Provide true, accurate, and complete copies of all reports of malfunction of the baghouse and/or the capture and collection system, and provide true, accurate and complete copies of all documents containing information about the corrective action taken for each

malfunction from May 1, 2010, through the date of this request.

15. Provide the manufacturer specifications and recommendations for the bag leak detection systems installed on the baghouse.
16. Provide true, accurate, and complete copies of all operating records for each bag leak detection system from May 1, 2010, to the date of this request. Identify all periods when software problems occurred on the systems. Provide a complete and accurate description of each problem that occurred and the corrective measures taken.
17. Provide true, accurate and complete copies of the following information from May 1, 2010, to the date of this request:
  - a. hourly baghouse temperature records for each facility baghouse;
  - b. baghouse pressure drop reading records for each facility baghouse;
  - c. baghouse lime injections records for each facility baghouse;
  - d. 3-hour block average temperature records for each facility afterburner;
  - e. total monthly throughput of raw materials to each facility furnace; and
  - f. total monthly throughput of aluminum chips for each facility chip dryer.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

"Emission data" means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.

6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Dean Thomas, Plant Manager  
Nikkei Aluminum America, Incorporated  
6875 Inwood Drive  
Columbus, Indiana 47201

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First Class Mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 N. Senate Avenue  
Mail Code 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

On the 19 day of June 2014.

  
Loretta Shaffer, Program Technician  
AECAS, PAS

CERTIFIED MAIL RECEIPT NUMBER:

70091680 0000 7676 3639



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**JUN 26 2014**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

David M. Hudak, General Manager  
Ultimate Ethanol, LLC  
D/b/a/ POET Biorefining - Alexandria  
13179 North 100 East  
Alexandria, Indiana 46001

Re: Notice and Finding of Violation  
POET Biorefining - Alexandria  
Alexandria, Indiana

Dear Mr. Hudak:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Ultimate Ethanol, LLC, d/b/a POET Biorefining - Alexandria (POET-Alexandria or you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Indiana State Implementation Plan at your Alexandria, Indiana facility.

Section 113 of the Clean Air Act, 42 U.S.C. § 7413(a)(1), gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Manoj P. Patel. You may call him at (312) 353-3565 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry, Branch Chief  
Office of Air Quality/Compliance & Enforcement Branch  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Ultimate Ethanol, LLC  
d/b/a/ POET Biorefining – Alexandria  
Alexandria, Indiana**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. § 7401 et seq.

)  
)  
) **NOTICE OF VIOLATION and  
FINDING OF VIOLATION**

) **EPA-5-14-IN-05**  
)  
)  
)

**NOTICE AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV or Notice) under Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7401. The authority to issue this NOV/FOV has been delegated to the Regional Administrator of EPA Region 5 and redelegated to the Director, Air and Radiation Division. EPA finds that POET-Alexandria is violating the Indiana State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program (Title V Permit Program). On December 4, 2001, 66 Fed. Reg. 62969, EPA granted Indiana final approval of its Title V Permit Program, effective November 30, 2001.
2. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b), provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
3. 40 C.F.R. § 70.3 provides that the requirements of Part 70 apply to any major source located in a state that has received whole or partial approval of its Title V program.
4. On February 20, 2008, 73 Fed. Reg. 9201-9203, EPA approved 326 IAC 8-5-6, fuel grade ethanol production at dry mills, to its volatile organic compounds (VOC) rules as a revision to the Indiana State Implementation Plan (SIP) at 40 C.F.R. § 52.770(c)(182).
5. 326 IAC 8-5-6(c)(1) states that the owner or operator of a fuel grade dry mill ethanol production plant shall install and operate a thermal oxidizer with an overall control

efficiency of not less than 98% percent or resulting in a VOC concentration of not more than 10 parts per million (ppm).

6. 326 IAC 8-5-6(e)(1) provides that the owner or operator of a fuel grade ethanol dry mill production plant that was constructed or modified after April 1, 2007, that installs and operates a thermal oxidizer as its VOC control device, shall measure the three (3) hour average operating temperature of the oxidizer using a continuous temperature monitor. The 3-hour average temperature must be greater than or equal to the minimum operating temperature established during the plant's most recent compliance demonstration.
7. 326 IAC 8-5-6(e)(2) provides the owner or operator of a fuel grade ethanol dry mill production plant that was constructed or modified after April 1, 2007, that installs and operates the wet scrubber as its VOC control device, shall monitor the flow rate at least once per day. The scrubber flow rate must be greater than the minimum flow rate established during the plant's most recent compliance demonstration.
8. On January 6, 2012, the Indiana Department of Environmental Management (IDEM) issued POET-Alexandria Title V Operating Permit No. T095-30443-00127. IDEM approved a significant permit modification to the Title V permit on January 23, 2013, and renumbered Title V Operating Permit as No. T095-31614-00127.
9. Part D.2.1(a) of the Title V Permit limits VOC emissions to 30.80 lbs/hour from scrubber CE008 and regenerative thermal oxidizer (RTO) CE009 unless operating under condition D.2.1(b) or D.2.1(c).
10. Part D.2.1(b) of the Title V permit limits VOC emissions when scrubber CE008 is not operating to 30.80 lbs/hour from the RTO CE009 which controls emissions from the fermenters and distillation processes, the DDGS dryers (EU025 and EU026), and from four centrifuges.
11. Part D.2.1(c) of the Title V permit limits VOC emissions when RTO CE009 is not operating to 75.95 lbs/hour from scrubber CE008 which controls emissions from the fermenter and distillation processes.
12. Part B.24 of the Title V permit and 40 C.F.R. § 52.12 provide that, for the purpose of establishing whether or not a person has violated or in violation of any provision or condition of a permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.
13. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the Act, or any rule promulgated, issued or approved under Title V of the Act.

## **Factual Background**

14. Ultimate Ethanol, LLC, d/b/a/ POET Biorefining--Alexandria (POET-Alexandria) owns and operates a fuel grade ethanol production dry mill facility at 13179 North 100 East, Alexandria, Indiana (the facility).
15. The facility includes: two (2) natural gas fired dried distillers grains with solubles dryers, identified as EU025 and EU026, with emissions venting to RTO CE009 and exhausting to stack SV009; one (1) fermentation process containing five (5) fermenters, identified as EU012 through EU016; one (1) yeast propagation tank, identified as EU017; one (1) beer well, identified as EU018, with emissions controlled by scrubber CE008 and RTO CE009, with emissions exhausting to SV009; one (1) distillation process containing one (1) beer stripper, identified as EU019, one (1) rectifier column, identified as EU020, one (1) side stripper, identified as EU021, one (1) set of three molecular sieves, identified as EU022, one (1) set of four (4) evaporators, identified as EU023, emissions are controlled by scrubber CE008 and RTO CE009, with emissions exhausting to SV009; one (1) set of four (4) centrifuges, identified as EU024, emissions controlled by RTO CE009, with emissions exhausting to SV009. During the RTO downtime, all emissions are exhausted to the RTO bypass stack SV008.
16. On December 20, 2013, EPA issued a Request for Information to the POET-Alexandria facility under Section 114 of the Act, 42 U.S.C. § 7414.
17. On February 27 and March 27, 2014, POET – Alexandria responded to EPA's Request for Information.
18. On October 14, 2008, RTO CE009 achieved the 3-hour average temperature of 1655 °F during a compliance stack test.
19. On April 13, 2010, Scrubber CE008 achieved the average minimum flow rate of 66 gallons per minute (GPM) during a compliance stack test.
20. On April 14, 2010, RTO CE009 achieved the 3-hour average temperature of 1670 °F during a compliance stack test.
21. POET – Alexandria performed several stack tests on its RTO CE009 and scrubber CE008 from April 17 through June 26, 2012.
22. On June 28, 2012, RTO CE009 achieved the 3-hour average temperature of 1742 °F during a compliance stack test.
23. The April 17, 2012 stack test results indicated that at RTO CE009, the facility emitted 32.27 lbs VOC/hr. The test result also indicated that the facility had an overall VOC control efficiency of 97.63%, and demonstrated VOC concentration of 18.14 ppmv at RTO CE009.

24. The April 18, 2012 test results indicated that at RTO CE009, the facility emitted 31.53 lbs/hr. The test result also indicated that the facility had an overall VOC control efficiency of 96.47%, and demonstrated VOC concentration of 18.35 ppmv at RTO CE009.
25. The May 15, 2012 test results indicated that at RTO CE009, the facility emitted 43.42 lbs VOC/hr. The test result also indicated that the facility had an overall VOC control efficiency of 94.34%, and demonstrated VOC concentration of 32.63 ppmv at RTO CE009.
26. The May 16, 2012 test results indicated that at RTO CE009, the facility emitted 30.92 lbs VOC/hr. The test result also indicated that the facility had an overall VOC control efficiency of 95.59%, and demonstrated VOC concentration of 19.67 ppmv at RTO CE009.
27. The June 5, 2012 test results indicated that at RTO CE009, the facility emitted 35.29 lbs VOC/hr. The test result also indicated that the facility had an overall VOC control efficiency of 95.91%, and demonstrated VOC concentration of 57.03 ppmv at RTO CE009.
28. The June 6, 2012 test results indicated that at RTO CE009, the facility had an overall VOC control efficiency of 97.23% and demonstrated a VOC concentration of 19.38 ppmv.
29. The June 26, 2012 test results indicated that at RTO CE009, the facility had an overall VOC control efficiency of 97.88% and demonstrated a VOC concentration of 25.17 ppmv.
30. POET-Alexandria submitted combustion chamber temperature records for RTO CE009.
31. POET-Alexandria submitted feed water flow rate records for Scrubber CE008.

#### **Violations**

32. The April 17, 2012, April 18, 2012, May 15, 2012, May 16, 2012, and June 5, 2012, stack test results demonstrate that at RTO CE009, the facility emitted VOCs in excess of the permitted limit of 30.80 lbs/hr as required by Title V Permit No. 095-31614-00127, Emission Limit D.2.1(a), which constitutes a violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).
33. The April 17, 2012, April 18, 2012, May 15, 2012, May 16, 2012, June 5, 2012, June 6, 2012, and June 26, 2012, stack test results demonstrate that at RTO CE009, the facility did not achieve a VOC control efficiency of 98%, as required by Title V Permit No. 095-31614-00127, Emission Limit D.2.2, which constitutes violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).

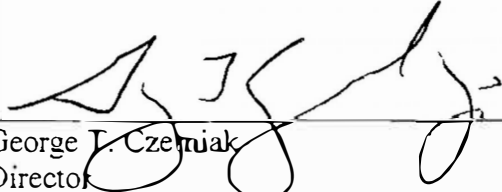
34. The April 17, 2012, April 18, 2012, May 15, 2012, May 16, 2012, June 5, 2012, June 6, 2012, and June 26, 2012, stack test results demonstrate that at RTO CE009, the facility exceeded a VOC concentration of 10 ppmv as required by Title V Permit No. 095-31614-00127, Emission Limit D.2.2, which constitutes violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).
35. From July 1, 2009 through September 24, 2013, POET-Alexandria operated RTO CE009 below the required 3-hour average temperature as specified in Title V Permit No. 095-31614-00127, Emission Limit of D.2.9, which constitutes a violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).
36. From April 13, 2010 through December 31, 2013, POET-Alexandria operated Scrubber CE008 below the required minimum feed water flow rate as specified in Title V Permit No. 095-31614-00127, Emission Limit of D.2.11, which constitutes a violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).

### Environmental Impact of Violations

37. VOC pollution causes a variety of health and environmental impacts, such as acid rain, global warming, water quality deterioration, and visual impairment. VOC plays a major role in the atmospheric reactions that produce ozone. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.

Date

6/26/14

  
George J. Czerniak  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

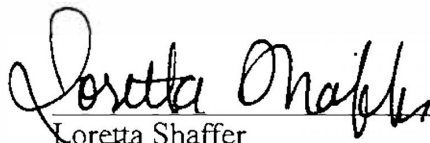
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-14-IN-05, by Certified Mail, Return Receipt Requested, to:

David M. Hudak, General Manager  
Ultimate Ethanol, LLC  
d/b/a/ POET Biorefining – Alexandria  
13179 North 100 East  
Alexandria, Indiana 46001

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room IGCN 1003  
Indianapolis, Indiana 46206-6015

On the 27 day of June 2014.

  
\_\_\_\_\_  
Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 01859952

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**National Processing Company  
4506 Cline Avenue  
East Chicago, Indiana 46312**

**ATTENTION:**

**Mr. John DuBrock  
Compliance Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring National Processing Company to submit certain information about the facilities (plants 2 and 3) at 4506 and 4502 Cline Avenue, East Chicago, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information from emission sources for the purpose of carrying out any provision of the CAA including protection of public health against adverse effects from environmental pollutants. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

National Processing Company owns and operates an emission source at the East Chicago, Indiana facility. We are requesting this information to collect site-specific data in order to perform a risk screening assessment of your facility.

National Processing Company must send all required information to:

Attn: MaryPat Tyson, Branch Supervisor  
Air Toxics and Assessment Branch  
U.S. Environmental Protection Agency  
Region 5 AT-18J  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

National Processing Company must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

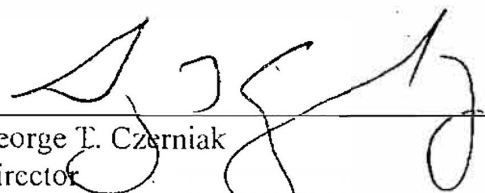
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject National Processing Company to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Rae Trine at 312-353-9228.

Date

6/26/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term "hazardous air pollutant" shall mean those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects. EPA-regulated hazardous air pollutants are listed in Section 112(b) of the CAA.

## Appendix B

### Information You Are Required to Submit to EPA

National Processing Company must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a):

Provide the following information for all hazardous air pollutants emitted by your facility:

1. Information about the facility:
  - a. A diagram of the facility with scale;
  - b. Geographic coordinates (UTM coordinates or latitude and longitude) of each building corner and coordinates of all corners of each tier of any multi-leveled (tiered) building. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*);
  - c. Building dimensions for all buildings located on the facility property: length, width, and height (specify units), as well as the dimensions for each tier of any multi-leveled (tiered) buildings;
  - d. Property boundary coordinates (UTM coordinates or latitude and longitude);
  - e. Location of any fencing or other barriers of the facility used to keep public away from the facility and the locations of nearby residents; and
  - f. Copies of all construction and operating permits.
2. A list of all of the most current emission sources that emit hazardous air pollutants at the facility, broken down as follows:
  - a. For all point sources (stacks), provide the following (specify units):
    - i. Stack height;
    - ii. Stack inside diameter;
    - iii. Stack effluent temperature;
    - iv. Stack exit velocity (identify if stack is obstructed (*e.g.*, rain cap) or has a horizontal or downward release); and
    - v. Geographic coordinates (Universal Transverse Mercator (UTM) coordinate or latitude and longitude) of each stack. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*).

- b. For all nonpoint sources, including but not limited to fugitives, vents, outlets, dust piles, specify each source and provide the following:
  - i. Dimensions: length, width, and height (specify units);
  - ii. A physical and process description of the source;
  - iii. A photograph of the source; and
  - iv. Geographic coordinates (UTM coordinates or latitude and longitude) of each corner of a non-point (fugitive) source. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*).
3. Emission rates of hazardous air pollutants in pounds per hour (lb/hr) or tons per year (tpy) emitted from each point (stack) and non-point (fugitive) source.
4. A description of methods used to determine amount and type of emissions, including emission factors used.
  - a. Specify if emissions are vapor or particulates;
  - b. If emissions are particulates, provide information on particulate size distribution including particle diameter, mass fraction, and particle density;
  - c. Specify hours of operation; and
  - d. Specify frequency with which emissions rates are determined (continuously, monthly, *etc.*).
5. If modeling has previously been conducted for the facility, include the following information:
  - a. Input and output files for all modeling software (including pre- and post-processors). Please include software version number;
  - b. Meteorological data used, including years and station location for all surface data (1-minute and hourly, if applicable) and upper air data; and
  - c. Modeling report or text file describing the modeling methodology and input data.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

#### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

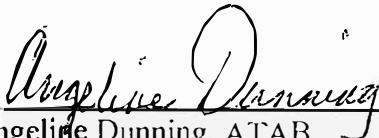
I, Angeline Dunning, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Mr. John DuBrock, Compliance Manager  
National Processing Company  
4506 Cline Avenue  
East Chicago, Indiana 46312

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Brian Wolff, Senior Environmental Manager  
Indiana Department of Environmental  
Management  
100 N Senate Ave Room  
Indianapolis, IN 46204-2273

On the 30<sup>th</sup> day of June, 2014.

  
Angeline Dunning, ATAB

CERTIFIED MAIL RECEIPT NUMBER:

7001 0320 0006 1454 5026

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

NLMK Indiana  
6500 South Boundary Road  
Portage, Indiana 46368

**ATTENTION:**

Bert Passalacqua  
Maintenance and Environmental Engineer

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring NLMK Indiana (NLMK or you) to submit certain information about the facility at 6500 South Boundary Road, Portage, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 14 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

NLMK owns and operates an emission source at the Portage, Indiana facility. We are requesting this information to determine whether your emission source is complying with the Indiana State Implementation Plan, requirements of your Title V permit, and 40 C.F.R. Part 60 Subpart AAa (Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983).

NLMK must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

NLMK must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject NLMK to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Patrick Miller at 312.886.4044 or Reza Bagherian at 312.886.0674.

Date

6/27/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image

format. If Excel format are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, and Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 at 40 C.F.R. Part 60, Subpart AAa.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The term "NMLK," shall mean NMLK - Indiana, located in Portage, Indiana, and all subsidiaries and related entities.
3. The term "Electric Arc Furnace (EAF)" shall mean a furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes. For the purposes of this Section 114 Information Request, an EAF shall consist of the furnace shell and roof and the transformer. Furnaces that

continuously feed direct-reduced iron ore pellets as the primary source of iron are not affected facilities within the scope of this definition.

4. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
5. The term “shop” shall mean the building which houses one or more EAFs.
6. The term “shop opacity” shall mean the arithmetic average of 24 observations of the opacity of emissions from the shop taken in accordance with Method 9 of 40 C.F.R. Part 60, Appendix A.

## **Appendix B**

### **Information You Are Required to Submit to EPA**

NLMK must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) within ten (14) days from receipt of this request for your facility located at 6500 South Boundary Road, Portage, Indiana.

1. Provide all daily Method 9 visual emissions readings for the melt shop opacity as required by 40 C.F.R. § 60.273a(d) and NLMK's Title V Permit (Permit Number T127-27948-00036), condition E.1.2, for the time period of January 1, 2013 through May 31, 2014.
2. Provide all Method 9 visual emissions readings taken when the continuous opacity monitoring system was malfunctioning or down for maintenance or repairs as required by NLMK's Title V Permit (Permit Number T127-27948-00036), condition C.12(d)(1), for the time period of January 1, 2013 through May 31, 2014.
3. Provide the date that the siding was initially removed surrounding the mega door on the north end of the melt shop in preparation to relocate the mega door.
4. Provide the date that the siding surrounding the mega door on the north end of the melt shop will be reinstalled.
5. Provide the date of, and the reason for, installation and operation of the fan on top of the mega door, underneath the shop roof, on the north end of the melt shop.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

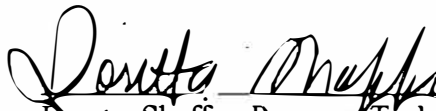
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Bert Passalacqua  
NLMK Indiana  
6500 South Boundary Road  
Portage, Indiana 46368

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry  
Chief, Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 North Senate Avenue ICGN 1003  
Indianapolis, Indiana, 46204

On the 2 day of July 2014.

  
Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0185 9907

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Chemcoaters LLC  
700 Chase Street  
Gary, Indiana 46404**

**ATTENTION:**

**Bill Capizzano  
President**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Chemcoaters LLC to submit certain information about the facility at 700 Chase Street, Gary, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information from emission sources for the purpose of carrying out any provision of the CAA including protection of public health against adverse effects from environmental pollutants. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Chemcoaters LLC owns and operates an emission source at the Gary, Indiana facility. We are requesting this information to collect site-specific data in order to perform a risk screening assessment of your facility.

Chemcoaters LLC must send all required information to:

Attn: MaryPat Tyson, Branch Supervisor  
Air Toxics and Assessment Branch  
U.S. Environmental Protection Agency  
Region 5 AT-18J  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Chemcoaters LLC must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

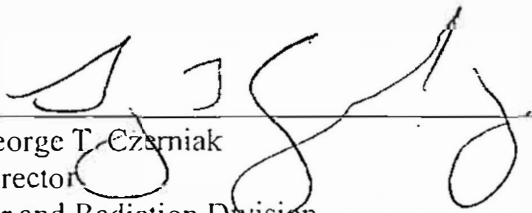
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Chemcoaters LLC to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Rae Trine at 312-353-9228.

Date

6/26/19

  
George T. Czarniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term "hazardous air pollutant" shall mean those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects.

## Appendix B

### Information You Are Required to Submit to EPA

Chemcoaters LLC must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a):

Provide the following information for all hazardous air pollutants emitted by your facility:

1. Information about the facility:
  - a. A diagram of the facility with scale;
  - b. Geographic coordinates (UTM coordinates or latitude and longitude) of each building corner and coordinates of all corners of each tier of any multi-leveled (tiered) building. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*);
  - c. Building dimensions for all buildings located on the facility property: length, width, and height (specify units), as well as the dimensions for each tier of any multi-leveled (tiered) buildings;
  - d. Property boundary coordinates (UTM coordinates or latitude and longitude);
  - e. Location of any fencing or other barriers of the facility used to keep public away from the facility and the locations of nearby residents; and
  - f. Copies of all construction and operating permits.
2. A list of all of the most current emission sources that emit hazardous air pollutants at the facility, broken down as follows:
  - a. For all point sources (stacks), provide the following (specify units):
    - i. Stack height;
    - ii. Stack inside diameter;
    - iii. Stack effluent temperature;
    - iv. Stack exit velocity (identify if stack is obstructed (*e.g.*, rain cap) or has a horizontal or downward release); and
    - v. Geographic coordinates (Universal Transverse Mercator (UTM) coordinate or latitude and longitude) of each stack. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*).

- b. For all nonpoint sources including, but not limited to, fugitives, vents, outlets, dust piles, specify each source and provide the following:
          - i. Dimensions: length, width, and height (specify units);
          - ii. A physical and process description of the source;
          - iii. A photograph of the source; and
          - iv. Geographic coordinates (UTM coordinates or latitude and longitude) of each corner of a non-point (fugitive) source. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*).
  3. Emission rates of hazardous air pollutants in pounds per hour (lb/hr) or tons per year (tpy) emitted from each point (stack) and non-point (fugitive) source.
  4. A description of methods used to determine amount and type of emissions, including emission factors used.
    - a. Specify if emissions are vapor or particulates;
    - b. If emissions are particulates, provide information on particulate size distribution including particle diameter, mass fraction, and particle density;
    - c. Specify hours of operation; and
    - d. Specify frequency with which emissions rates are determined (continuously, monthly, *etc.*);
  5. If air dispersion modeling has previously been conducted for the facility, include the following information:
    - a. Input and output files for all modeling software (including pre- and post-processors). Please include software version number;
    - b. Meteorological data used, including years and station location for all surface data (1-minute and hourly, if applicable) and upper air data; and
    - c. Modeling report or text file describing the modeling methodology and input data.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, c.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

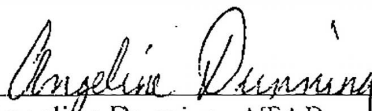
I, Angeline Dunning, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Bill Capizzano, President  
Chemcoaters LLC  
700 Chase Street  
Gary, Indiana 46404

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Brian Wolff, Senior Environmental Manager  
Indiana Department of Environmental  
Management  
100 N Senate Ave Room  
Indianapolis, IN 46204-2273

On the 30<sup>th</sup> day of June 2014.

  
Angeline Dunning, ATAB

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0006 1454 5033



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 18 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bert Passalacqua  
Maintenance and Environmental Engineer  
NLMK Indiana  
6500 South Boundary Road  
Portage, Indiana 46368

Re: Notice and Finding of Violation  
NLMK Indiana  
Portage, Indiana

Dear Mr. Passalacqua:

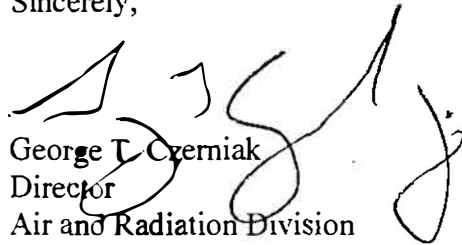
The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to NLMK Indiana (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 ("NSPS AAa"), set forth at 40 C.F.R. § 60.270a *et seq.* and your Title V permit, at your Portage, Indiana facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date. Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contacts in this matter are Reza Bagherian and Patrick Miller. You may call them at (312) 886-0674 and (312) 886-4044, respectively, to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry  
Chief, Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 North Avenue ICGN 1003  
Indianapolis, Indiana 46204

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**NLMK Indiana  
Portage, Indiana**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. § 7401 *et seq.*

)  
)  
) **NOTICE OF VIOLATION and  
FINDING OF VIOLATION**  
)  
)

) **EPA-5-2014-IN-06**  
)  
)  
)

**NOTICE AND FINDING OF VIOLATION**

NLMK Indiana (you or NLMK) owns and operates a specialty steel-producing facility located at 6500 South Boundary Road, Portage, Indiana (facility). According to NLMK's Title V operating permit, it operates, among other things, an electric arc furnace (EAF) identified as EAF #7, and an EAF shop, which is the building that houses EAF #7 at the facility.

The U.S. Environmental Protection Agency is sending this Notice and Finding of Violation (NOV/FOV or Notice) to notify NLMK that you have violated the visible emissions limits at your facility's EAF shop specified in your Title V permit and the Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 ("NSPS AAa"), set forth at 40 C.F.R. § 60.270a *et seq.* Additionally, you have violated the monitoring and recordkeeping requirements pertaining to visible emissions from the EAF shop. Violations of the opacity emissions limit, monitoring and recordkeeping requirements constitute violations of the Clean Air Act (the Act or CAA).

**STATUTORY AND REGULATORY BACKGROUND**

1. Under Section 111 of the Act, 42 U.S.C. § 7411, the Administrator promulgated the New Source Performance Standards ("NSPS") General Provisions, at 40 C.F.R. Part 60, Subpart A, and the Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 (NSPS Subpart AAa), set forth at 40 C.F.R. § 60.270a *et seq.* NSPS Subpart AAa applies to each EAF constructed, modified or reconstructed after August 17, 1983.
2. 40 C.F.R. § 60.272a(a)(3) provides that no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from a melt shop and, due solely to operations of any EAF, 6 percent opacity or greater.

3. 40 C.F.R. § 60.273a(d) provides, among other things, that a furnace static pressure monitoring device is not required on any EAF equipped with a direct-shell evacuation control system ("DEC") if observations of shop opacity are performed by a certified visible emission observer at least once per day when the furnace is operating in the meltdown and refining period in accordance with 40 C.F.R. Part 60, Appendix A, Method 9 (Method 9).
4. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the CAA, or any rule promulgated issued or approved under Title V of the CAA.
5. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any Title V permit program approved by EPA, no source subject to Title V may operate except in compliance with a Title V permit.
6. EPA granted full approval to the Indiana Title V operating permit program on December 4, 2001. 66 Fed. Reg. 629469.
7. The regulation at 40 C.F.R. § 70.6(b)(1) specifies that all terms and conditions in a permit issued under a Part 70 program, including any provisions designed to limit a source's potential to emit, are enforceable by EPA under the Act.
8. The Indiana Department of Environmental Management (IDEM) issued Title V Operating Permit No. T127-27948-00036 to NLMK for the facility, ID No. 127-00036, on October 2, 2009. IDEM approved an administrative amendment to the Title V operating permit on September 21, 2011.
9. Condition D.1.7(a) of NLMK's Title V operating permit states that the permittee shall not cause to be discharged into the atmosphere visible emissions from any building opening as a result of EAF operation that exceed 3% opacity based on a six-minute average.
10. Condition D.1.13(c)(1) of NLMK's Title V operating permit states that, whenever the continuous opacity monitoring system (COMS) is malfunctioning or is down for maintenance or repairs, the permittee shall provide a certified opacity reader and that visible emission readings shall be performed in accordance with Method 9.
11. Condition D.1.13(c)(2) of NLMK's Title V operating permit states Method 9 readings shall be conducted at least twice per day during daylight operations, with at least four hours between each set of readings, until a COMS is online.
12. Condition D.1.13(d)(1) of NLMK's Title V operating permit states that shop opacity observations shall be conducted at least once per day when the furnace is operating in the meltdown and refining period.

13. Condition D.1.13(d)(2) states that shop opacity shall be determined as the arithmetic average of 24 consecutive 15-second opacity observations of emissions from the shop taken in accordance with Method 9.
14. Condition E.1.2(c) of NLMK's Title V operating permit states that the permittee shall comply with the provisions of 40 C.F.R. § 60.272a; specifically, the permittee shall not cause to be discharged into the atmosphere gases from the EAF which exit from the shop and, due solely to the operations of any affected EAF or Argon-Oxygen Decarburization vessel(s), exhibit 6 percent opacity or greater, as a six-minute average.
15. Condition E.1.2(f) of NLMK's Title V operating permit states that the permittee shall comply with the provisions of 40 C.F.R. § 60.273a(d); the permittee shall, among other things, conduct visible emission observations of shop opacity at least once per day in accordance with Method 9.

#### **EXPLANATION OF VIOLATIONS**

16. On May 13, 2014, EPA representatives inspected the NLMK facility located in Portage, Indiana, and conducted Method 9 visible emissions observations at the EAF shop.
17. Based on EPA's observations of the visible emissions measured at the EAF shop, the following exceedances of the visible emissions limits were recorded at the facility:

<b>Date</b>	<b>Time</b>	<b>Six-Minute Average Percent Opacity</b>
May 13, 2014	10:41am -- 10:46 am	18%
May 13, 2014	10:47 am - 10:52 am	10%
May 13, 2014	10:53 am - 10:58 am	17%
May 13, 2014	10:59 am - 11:05 am	12%

18. NLMK's excess visible emissions from the EAF shop are violations of the opacity limits in Condition D.1.7(a) of its Title V permit and 40 C.F.R. § 60.272a(a)(3).
19. On June 27, 2014, EPA issued a request for information pursuant to Section 114 of the CAA, 42 U.S.C. § 7414.
20. On July 11, 2014, NLMK submitted a response to EPA's request for information.

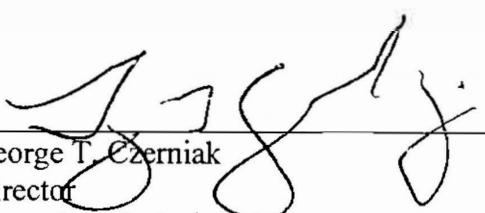
21. Based on the information provided by NLMK, NLMK failed to determine EAF shop opacity in accordance with Method 9 requirements when the COMS was malfunctioning or was down for maintenance or repairs on 20 instances between January 21, 2014 and February 12, 2014.
22. NLMK's failure to determine EAF shop opacity in accordance with Method 9 requirements when the COMS was malfunctioning or was down for maintenance or repairs is a violation of Condition D.1.13(c)(1) of its Title V operating permit.
23. Based on the information provided by NLMK, NLMK failed to conduct Method 9 readings when the COMS was malfunctioning or was down for maintenance or repairs with at least 4 hours between each set of readings on at least 3 occasions between January 21, 2014 and February 12, 2014.
24. NLMK's failure to conduct Method 9 readings when the COMS was malfunctioning or was down for maintenance or repairs with at least 4 hours between each set of readings is a violation of Title V operating permit Condition D.1.13(c)(2).
25. Based on the information provided by NLMK, NLMK failed to conduct EAF shop opacity observations at least once per day when the furnace was operating in the meltdown and refining period on 73 instances between January 1, 2013 and December 31, 2013.
26. NLMK's failure to conduct shop opacity observations at least once per day when the furnace was operating in the meltdown and refining is a violation of its Title V permit Conditions D.1.13(d)(1) and E.1.2(f) and 40 C.F.R. § 60.273a(d).
27. Based on the information provided by NLMK, NLMK failed to determine EAF shop opacity in accordance with Method 9 requirements on 383 occasions between January 1, 2013 and May 31, 2014.
28. NLMK's failure to determine EAF shop opacity in accordance with Method 9 requirements is a violation of its Title V permit Conditions D.1.13(d)(2) and E.1.2(f) and 40 C.F.R. § 60.273a(d).

## ENVIRONMENTAL IMPACT OF VIOLATIONS

29. Violation of the opacity standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

Date

3/18/14

  
George T. Czerniak  
Director  
Air and Radiation Division

### CERTIFICATE OF MAILING


I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-14-IN-06, by Certified Mail, Return Receipt Requested, to:

Bert Passalacqua  
Maintenance and Environmental Engineer  
NLMK Indiana  
6500 South Boundary Road  
Portage, Indiana 46368

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Phil Perry  
Chief, Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 North Senate Avenue ICGN 1003  
Indianapolis, Indiana, 46204

On the 22 day of September 2014.



Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 2250

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Chemcoaters LLC  
700 Chase Street  
Gary, Indiana 46404**

**ATTENTION:**

**Bill Capizzano  
President**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Chemcoaters LLC to submit certain information about the facility at 700 Chase Street, Gary, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information from emission sources for the purpose of carrying out any provision of the CAA including protection of public health against adverse effects from environmental pollutants. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Chemcoaters LLC owns and operates an emission source at the Gary, Indiana facility. We are requesting this information to collect site-specific data in order to perform a risk screening assessment of your facility.

Chemcoaters LLC must send all required information to:

Attn: MaryPat Tyson, Branch Supervisor  
Air Toxics and Assessment Branch  
U.S. Environmental Protection Agency  
Region 5 AT-18J  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Chemcoaters LLC must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

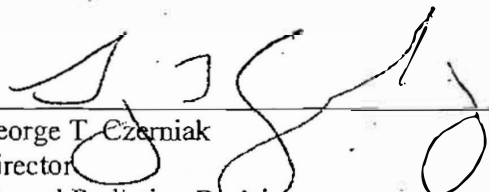
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Chemcoaters LLC to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Rae Trine at 312-353-9228.

Date

6/26/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal; whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term "hazardous air pollutant" shall mean those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects.

## Appendix B

### Information You Are Required to Submit to EPA

Chemcoaters LLC must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a):

Provide the following information for all hazardous air pollutants emitted by your facility:

1. Information about the facility:
  - a. A diagram of the facility with scale;
  - b. Geographic coordinates (UTM coordinates or latitude and longitude) of each building corner and coordinates of all corners of each tier of any multi-leveled (tiered) building. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*);
  - c. Building dimensions for all buildings located on the facility property: length, width, and height (specify units), as well as the dimensions for each tier of any multi-leveled (tiered) buildings;
  - d. Property boundary coordinates (UTM coordinates or latitude and longitude);
  - e. Location of any fencing or other barriers of the facility used to keep public away from the facility and the locations of nearby residents; and
  - f. Copies of all construction and operating permits.
2. A list of all of the most current emission sources that emit hazardous air pollutants at the facility, broken down as follows:
  - a. For all point sources (stacks), provide the following (specify units):
    - i. Stack height;
    - ii. Stack inside diameter;
    - iii. Stack effluent temperature;
    - iv. Stack exit velocity (identify if stack is obstructed (*e.g.*, rain cap) or has a horizontal or downward release); and
    - v. Geographic coordinates (Universal Transverse Mercator (UTM) coordinate or latitude and longitude) of each stack. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*).

- b. For all nonpoint sources including, but not limited to, fugitives, vents, outlets, dust piles, specify each source and provide the following:
          - i. Dimensions: length, width, and height (specify units);
          - ii. A physical and process description of the source;
          - iii. A photograph of the source; and
          - iv. Geographic coordinates (UTM coordinates or latitude and longitude) of each corner of a non-point (fugitive) source. Specify the datum used (e.g., NAD83, NAD27, WGS84, etc.).
3. Emission rates of hazardous air pollutants in pounds per hour (lb/hr) or tons per year (tpy) emitted from each point (stack) and non-point (fugitive) source.
4. A description of methods used to determine amount and type of emissions, including emission factors used.
  - a. Specify if emissions are vapor or particulates;
  - b. If emissions are particulates, provide information on particulate size distribution, including particle diameter, mass fraction, and particle density;
  - c. Specify hours of operation; and
  - d. Specify frequency with which emissions rates are determined (continuously, monthly, etc.).
5. If air dispersion modeling has previously been conducted for the facility, include the following information:
  - a. Input and output files for all modeling software (including pre- and post-processors). Please include software version number;
  - b. Meteorological data used, including years and station location for all surface data (1-minute and hourly, if applicable) and upper air data; and
  - c. Modeling report or text file describing the modeling methodology and input data.

## Appendix C

### Confidential Business and Personal Privacy Information

#### Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

"Emission data" means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

### Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

#### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Angeline Dunning, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Bill Capizzano, President  
Chemcoaters LLC  
700 Chase Street  
Gary, Indiana 46404

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Brian Wolff, Senior Environmental Manager  
Indiana Department of Environmental  
Management  
100 N Senate Ave Room  
Indianapolis, IN 46204-2273

On the 30<sup>th</sup> day of June 2014.

Angeline Dunning  
Angeline Dunning, ATAB

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0006 1454 5033

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**National Processing Company  
4506 Cline Avenue  
East Chicago, Indiana 46312**

**ATTENTION:**

**Mr. John DuBrock  
Compliance Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring National Processing Company to submit certain information about the facilities (plants 2 and 3) at 4506 and 4502 Cline Avenue, East Chicago, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information from emission sources for the purpose of carrying out any provision of the CAA including protection of public health against adverse effects from environmental pollutants. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

National Processing Company owns and operates an emission source at the East Chicago, Indiana facility. We are requesting this information to collect site-specific data in order to perform a risk screening assessment of your facility.

National Processing Company must send all required information to:

Attn: MaryPat Tyson, Branch Supervisor  
Air Toxics and Assessment Branch  
U.S. Environmental Protection Agency  
Region 5 AT-18J  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

National Processing Company must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

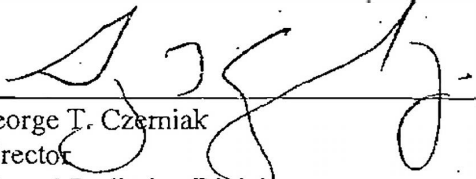
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject National Processing Company to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Rae Trine at 312-353-9228.

Date

6/26/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response; Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term "hazardous air pollutant" shall mean those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects. EPA-regulated hazardous air pollutants are listed in Section 112(b) of the CAA.

## Appendix B

### Information You Are Required to Submit to EPA

National Processing Company must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a):

Provide the following information for all hazardous air pollutants emitted by your facility:

1. Information about the facility:
  - a. A diagram of the facility with scale;
  - b. Geographic coordinates (UTM coordinates or latitude and longitude) of each building corner and coordinates of all corners of each tier of any multi-leveled (tiered) building. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*);
  - c. Building dimensions for all buildings located on the facility property: length, width, and height (specify units), as well as the dimensions for each tier of any multi-leveled (tiered) buildings;
  - d. Property boundary coordinates (UTM coordinates or latitude and longitude);
  - e. Location of any fencing or other barriers of the facility used to keep public away from the facility and the locations of nearby residents; and
  - f. Copies of all construction and operating permits.
2. A list of all of the most current emission sources that emit hazardous air pollutants at the facility, broken down as follows:
  - a. For all point sources (stacks), provide the following (specify units):
    - i. Stack height;
    - ii. Stack inside diameter;
    - iii. Stack effluent temperature;
    - iv. Stack exit velocity (identify if stack is obstructed (*e.g.*, rain cap) or has a horizontal or downward release); and
    - v. Geographic coordinates (Universal Transverse Mercator (UTM) coordinate or latitude and longitude) of each stack. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*).

- b. For all nonpoint sources, including but not limited to fugitives, vents, outlets, dust piles, specify each source and provide the following:
  - i. Dimensions: length, width, and height (specify units);
  - ii. A physical and process description of the source;
  - iii. A photograph of the source; and
  - iv. Geographic coordinates (UTM coordinates or latitude and longitude) of each corner of a non-point (fugitive) source. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*).
3. Emission rates of hazardous air pollutants in pounds per hour (lb/hr) or tons per year (tpy) emitted from each point (stack) and non-point (fugitive) source.
4. A description of methods used to determine amount and type of emissions, including emission factors used.
  - a. Specify if emissions are vapor or particulates;
  - b. If emissions are particulates, provide information on particulate size distribution including particle diameter, mass fraction, and particle density;
  - c. Specify hours of operation; and
  - d. Specify frequency with which emissions rates are determined (continuously, monthly, *etc.*).
5. If modeling has previously been conducted for the facility, include the following information:
  - a. Input and output files for all modeling software (including pre- and post-processors). Please include software version number;
  - b. Meteorological data used, including years and station location for all surface data (1-minute and hourly, if applicable) and upper air data; and
  - c. Modeling report or text file describing the modeling methodology and input data.

## Appendix C

### Confidential Business and Personal Privacy Information

#### Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

"Emission data" means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

### Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

#### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

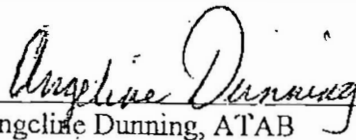
I, Angeline Dunning, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Mr. John DuBrock, Compliance Manager  
National Processing Company  
4506 Cline Avenue  
East Chicago, Indiana 46312

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Brian Wolff, Senior Environmental Manager  
Indiana Department of Environmental  
Management  
100 N Senate Ave Room  
Indianapolis, IN 46204-2273

On the 30<sup>th</sup> day of June, 2014.

  
Angeline Dunning, ATAB

CERTIFIED MAIL RECEIPT NUMBER:

7001 0320 0006 1454 5026

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**TransCanada  
Shelbyville Station Environmental Management  
5500 Smithland Road  
Shelbyville, Indiana 46176**

**ATTENTION:**

**Nicky Meriwether  
Environmental Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring TransCanada (TransCanada or you) to submit certain information about the facility at 5500 Smithland Road, Shelbyville, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information from emission sources for the purpose of carrying out any provision of the CAA including protection of public health against adverse effects from environmental pollutants. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

TransCanada owns and operates an emission source at the Shelbyville, Indiana facility. We are requesting this information to collect site-specific data in order to perform a risk screening assessment of your facility.

TransCanada must send all required information to:

Attn: Mary Pat Tyson, Branch Supervisor  
Air Toxics and Assessment Branch  
U.S. Environmental Protection Agency  
Region 5 AT-18J  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

TransCanada must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

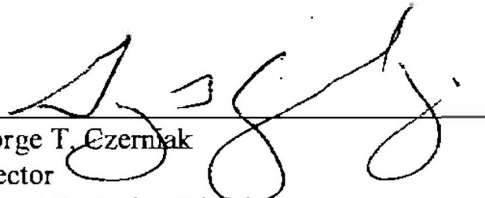
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject TransCanada to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Rae Trine at 312-353-9228 or email at [trine.rae@epa.gov](mailto:trine.rae@epa.gov).

9/1/14  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## Appendix B

### Information You Are Required to Submit to EPA

TransCanada must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a).

Provide the following information for the pollutant Formaldehyde:

1. Information about the facility:
  - a. A diagram of the facility with scale;
  - b. Geographic coordinates (UTM coordinates or latitude and longitude): property boundaries and each building corner and coordinates of all corners of each tier of any multi-leveled (tiered) building. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*);
  - c. Building dimensions for all buildings located on the facility property: length, width, and height (specify units), as well as the dimensions for each tier of any multi-leveled (tiered) buildings; and
  - d. Location of any fencing or other barriers of the facility used to keep public away from the facility and the locations of nearby residents.
2. A list of all of the most current emission sources that emit formaldehyde at the facility, broken down as follows:
  - a. For all point sources (stacks), provide the following (specify units):
    - i. Stack height;
    - ii. Stack inside diameter;
    - iii. Stack effluent temperature;
    - iv. Stack exit velocity (identify if stack is obstructed (*e.g.*, rain cap) or has a horizontal or downward release) ; and
    - v. Geographic coordinates (Universal Transverse Mercator (UTM) coordinate or latitude and longitude) of each stack. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*).
  - b. For all nonpoint sources, including but not limited to fugitives, vents, outlets, dust piles, specify each source and provide the following:
    - i. Dimensions: length, width, and height (specify units);
    - ii. A physical and process description of the source;
    - iii. A photograph of the source; and
    - iv. Geographic coordinates (UTM coordinates or latitude and longitude) of each corner of a non-point (fugitive) source. Specify the datum used (*e.g.*, NAD83, NAD27, WGS84, *etc.*).
3. Emission rates of formaldehyde in pounds per hour (lb/hr) or tons per year (tpy) emitted from each point (stack) and non-point (fugitive) source.

4. A description of methods used to determine amount and type of emissions, including emission factors used.
  - a. Specify if emissions are vapor or particulates;
  - b. If emissions are particulates, provide information on particulate size distribution including particle diameter, mass fraction, and particle density;
  - c. Specify hours of operation; and
  - d. Specify frequency with which emissions rates are determined (continuously, monthly, *etc.*).
5. If modeling has previously been conducted for the facility, include the following information:
  - a. Input and output files for all modeling software (including pre- and post-processors). Please include software version number;
  - b. Meteorological data used, including years and station location for all surface data (1-minute and hourly, if applicable) and upper air data; and
  - c. Modeling report or text file describing the modeling methodology and input data.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

#### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

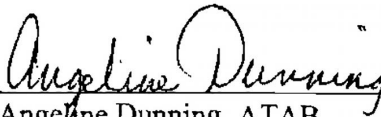
I, Angeline Dunning, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Nicky Meriwether, Environmental Manager  
TransCanada  
Shelbyville Station Environmental Management  
5500 Smithland Road  
Shelbyville, Indiana 46176

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Brian Wolff, Senior Environmental Manager  
Indiana Department of Environmental  
Management  
100 N. Senate Ave. Room  
Indianapolis, Indiana 46204-2273

On the 5<sup>th</sup> day of September 2014.

  
Angeline Dunning, ATAB

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1454 5019

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**General Chemical  
1598 West Senate Avenue  
Indianapolis, Indiana 46225**

**ATTENTION:**

**Plant Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring General Chemical (you) to submit certain information about the facility at 1598 West Senate Avenue, Indianapolis, Indiana (facility). Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

General Chemical owns and operates an emission source at the Indianapolis, Indiana facility. We are requesting this information to determine whether your emission source is complying with the Indiana State Implementation Plan.

General Chemical must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

General Chemical must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject General Chemical to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Shannon Downey at (312) 353-2151.

\_\_\_\_\_  
Date

8/1/14

\_\_\_\_\_  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the Indiana State Implementation Plan.

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## Appendix B

### Information You Are Required to Submit to EPA

General Chemical must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) within 30 days unless otherwise specified below:

1. Provide the usage of sulfuric acid, each month since April 2009 to the present.
2. Provide calculations of the emissions of particulate matter (PM), particulate matter less than 10 microns (PM-10), SO<sub>2</sub>, and sulfuric acid mist each month since April 2009 to the present. Provide all assumptions and process data utilized, and cite the source of any emission factors.
3. Provide a list and copies of each emissions test conducted at the facility for any reason from January 1, 2009 to the present. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack tests:

**List:** Identify the emissions unit, the date of the test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with the state permitting agency.

**Copies:** Provide full stack test reports, including the summary pages the section describing the process parameters and production or processing rates at the time of the test, all test runs and all calculations. If not included in the test report, provide production data corresponding to the time of the test.

4. Within 30 days after receiving approval of the protocol required by this Appendix, General Chemical shall perform an emissions test of PM, PM-10, SO<sub>2</sub>, and sulfuric acid mist. The test shall consist of no less than three test runs and shall be performed under those representative conditions that represent the range of combined process and control measure conditions under which the facility expects to operate (regardless of the frequency of the conditions); and are likely to most challenge the emissions control measures of the facility with regard to meeting the applicable emission standards, but without creating an unsafe condition. The test shall measure SO<sub>2</sub> and sulfuric acid mist in units of parts per million by volume (ppmV), and pounds per hour (lb/hr), and PM and PM-10 in units of grains per dry standard cubic feet (gr/dscf), and lb/hr. These measurements shall be made in accordance with the following test methods set forth at Appendix A of 40 C.F.R. Part 60:

- a. Methods 1 and 2 to measure stack gas velocity and volumetric flow rate;
  - b. Method 4 to measure stack moisture content;
  - c. Method 5 to measure PM;
  - d. Method 201A and 202 to measure PM-10; and
  - e. Method 8 to measure SO<sub>2</sub> and sulfuric acid mist concentrations.
5. Within 30 days of receipt of this request, General Chemical shall submit a protocol for the emissions test. The protocol should include, but not necessarily be limited to, the following:
  - a. The proposed testing date;
  - b. The proposed testing length (number of test runs, length of each run);
  - c. The test methods to be used, including a thorough description of the sampling system, any sample collection solutions to be used, and/or any sample conditioning systems to be used;
  - d. A specific discussion, including a justification, of any alternative methods or modifications to EPA reference methods to be performed;
  - e. A full description of the testing locations, including the upstream and downstream duct diameters (or effective duct diameters) from the nearest flow disturbance;
  - f. The process operating conditions to be maintained during the test as well as production rate to be achieved by the tested emissions unit;
  - g. The operating conditions of the scrubber including liquid to gas ratio, reagent addition, reagent utilized, pH, and other parameters that are relevant to scrubber performance;
  - h. The control device operating parameter ranges (or setpoints) to be maintained during the testing as well as a discussion of how these conditions should yield the lowest removal efficiency actually achieved by the control equipment; and
  - i. Any routine maintenance activities performed on the emission unit or its control device(s).
6. For the testing required above for the facility, General Chemical shall conduct the testing after nothing other than routine maintenance has been conducted on the emissions units between the date of General Chemical's receipt of the request and the test date.
7. Within 30 days of completion of the testing (i.e. the actual sampling), General Chemical shall submit a complete report of the emissions testing. The report shall include the following, at a minimum:

a. Summary of Results

- i. Results of the above described emission tests in terms of ppmV, gr/dscf, lb/hr, and lb/ton; and
- ii. Discussion of test errors.

b. Facility Operations

- i. Description of the process and control equipment used during the testing;
- ii. Process and control equipment flow diagrams;
- iii. Description of any physical changes performed at the emission unit, and its attendant control equipment in the 6-months preceding the test that may impact its emission rate;
- iv. Control device operating parameters maintained during the test (in no less frequent than 15 minute increments; and
- v. Production rates achieved during the test.

c. Sampling and Analytical Procedures

- i. Sampling port location(s) and dimensions of cross-section;
- ii. Sampling point description, including labeling system;
- iii. Brief description of sampling procedures, including equipment and diagram;
- iv. Description of sampling procedures (planned and accidental) that deviated from any standard method;
- v. Brief description of analytical procedures, including calibration;
- vi. Description of analytical procedures (planned or accidental) that deviated from any standard method; and
- vii. Quality control/ quality assurance procedures, tests and results.

d. Appendix

- i. Complete results with example calculations;
- ii. Raw field data (original, not computer printouts);
- iii. Laboratory report, with signed chain-of-custody forms;
- iv. Calibration procedures and results (including reports from most recent calibrations or calibration checks on all applicable equipment such as the pitot tubes);
- v. Raw process and control equipment data, signed by plant representative;
- vi. Test log;
- vii. Project participants and titles; and
- viii. Related correspondence.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

General Chemical  
1598 West Senate Avenue  
Indianapolis, Indiana 46225

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46206-2251

On the 5 day of Aug 2014.

  
Loretta Shaffer  
AECAB

CERTIFIED MAIL RECEIPT NUMBER: 70091480 0000 7676 1635



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 29 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Phil Huffman, Plant Manager  
The Andersons Clymers Ethanol, LLC  
3389 West County Road 300 South  
Logansport, Indiana 46947

Re: Notice and Finding of Violation  
**The Andersons Clymers Ethanol, LLC**  
Logansport, Indiana

Dear Mr. Huffman:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to The Andersons Clymers Ethanol, LLC (The Andersons) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating the Indiana State Implementation Plan and your Title V permit at your Logansport, Indiana facility.

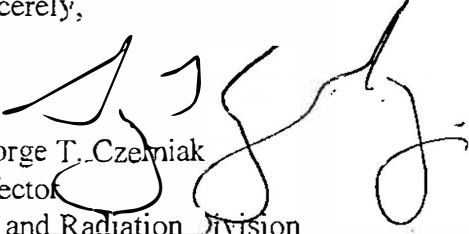
Section 113 of the Clean Air Act, 42 U.S.C. § 7413(a), gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Manoj P. Patel. You may call him at (312) 353-3565 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry, Branch Chief  
Office of Air Quality/Compliance & Enforcement Branch  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**The Andersons Clymers Ethanol, LLC  
Logansport, Indiana**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. §§ 7401 et seq.

**NOTICE OF VIOLATION and  
FINDING OF VIOLATION**

**EPA-5-14-IN-08**

**NOTICE AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV or Notice) under Section 113(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a). The authority to issue this NOV/FOV has been delegated to the Regional Administrator of EPA Region 5 and redelegated to the Director, Air and Radiation Division. EPA finds that The Andersons Clymers Ethanol, LLC (Andersons Clymers) has violated the Indiana State Implementation Plan (SIP) and its Title V permit, as follows:

**Statutory and Regulatory Background**

1. The CAA is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. *See* Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1).

**Federally Enforceable State Operating Permits**

2. On June 28, 1989, 54 Fed. Reg. 27274, EPA issued guidance on federally enforceable state operating permits (FESOP) establishing federally enforceable limits.
3. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to the Administrator of EPA (Administrator) a plan which provides for the implementation, maintenance and enforcement of all national primary or secondary standards established pursuant to Section 109 of the CAA, 42 U.S.C. § 7409. These SIPs are required to include enforceable emission limitations, control measures, schedules for compliance, and permit programs for new sources.
4. On October 25, 1994, the Indiana Department of Environmental Management (IDEM) submitted to EPA proposed revisions to the Indiana SIP to establish a FESOP program (set forth at Ind. Admin. Code tit. 326, r. 2-8).

5. On August 18, 1995, 60 Fed. Reg. 43008, EPA approved the Indiana FESOP program, Ind. Admin. Code tit. 326, r. 2-1-3.2 and Indiana's Enhanced NSR regulation, Ind. Admin. Code tit. 326, r. 2-8-4, as part of the federally enforceable Indiana SIP, effective October 17, 1995. *See* 40 C.F.R. § 52.770 (c)(97)-(98).
6. Ind. Admin. Code tit. 326, r. 2-8-4(1) requires that all FESOP permits contain emission limitations and standards assuring compliance with all applicable requirements in effect at the time of the FESOP issuance.
7. Ind. Admin. Code tit. 326, r. 2-8-4(5) states that the permittee must comply with all conditions of the FESOP. Noncompliance with any provisions of the FESOP is a grounds for an enforcement action; FESOP termination, revocation and reissuance, or modification; or for denial of a FESOP renewable application.

#### **Title V Operating Permits**

8. Section 502(d)(1) of the CAA, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program (Title V Permit Program). On December 4, 2001, 66 Fed. Reg. 62969, EPA granted Indiana final approval of its Title V Permit Program, effective November 30, 2001.
9. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b), provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.
10. 40 C.F.R. § 70.3 provides that the requirements of Part 70 apply to any major source located in a state that has received whole or partial approval of its Title V program.
11. On February 20, 2008, 73 Fed. Reg. 9201-9203, EPA approved 326 IAC 8-5-6, fuel grade ethanol production at dry mills, to its volatile organic compounds (VOC) rules as a revision to the Indiana SIP at 40 C.F.R. § 52.770(c)(182).
12. On November 27, 2012, IDEM issued Title V Operating Permit No. T017-31371-00023 to Andersons Clymers. IDEM approved a significant permit modification to the Title V permit on February 8 and 27, 2013, and renumbered Title V Operating Permit as No. T017-32589-00023. Prior to November 27, 2012, the facility operated using the FESOP Permit #F017-29265-00023 issued on December 8, 2010.
13. Part D.1.1 of the Title V permit limits particulate matter less than 10 microns (PM<sub>10</sub>) emissions to 1.0 lb/hour from baghouse #1 which controls emissions from the grain elevator receiving EP-1, EP-2, and EP-4.
14. Part D.1.1 of the Title V permit limits particulate matter less than 2.50 microns (PM<sub>2.5</sub>) emissions to 1.0 lb/hour from baghouse #1 which controls emissions from the grain elevator receiving EP-1, EP-2, and EP-4.

15. Part D.1.1 of the Title V permit limits particulate matter less than 10 microns (PM<sub>10</sub>) emissions to 0.86 lb/hour from baghouse #2 which controls emissions from the grain elevator and grain transfer to Day Bin EP-20A, EP-5, EP-7, EP-8A, and EP-8B.
16. Part D.1.1 of the Title V permit limits particulate matter less than 2.50 microns (PM<sub>2.5</sub>) emissions to 0.86 lb/hour from baghouse #2 which controls emissions from the grain elevator and grain transfer to Day Bin EP-20A, EP-5, EP-7, EP-8A, and EP-8B.
17. Part D.2.1 of the Title V permit limits VOC emissions to 9.42 lbs/hour from wet scrubber S-40 which controls emissions from the fermenters EP-40 through EP-46, and two liquefaction tanks EP-47 and EP-48.
18. Part D.2.2(a) of the Title V permit limits acetaldehyde emissions to 1.05 lbs/hour from wet scrubber S-40 which controls emissions from the fermenters EP-40 through EP-46, and two liquefaction tanks EP-47 and EP-48.
19. Part D.2.2(b) of the Title V permit limits total hazardous air pollutants (HAP) emissions to 1.20 lbs/hour from wet scrubber S-40 which controls emissions from the fermenters EP-40 through EP-46, and two liquefaction tanks EP-47 and EP-48.
20. Part B.24 of the Title V permit and 40 C.F.R. § 52.12, provide that, for the purpose of establishing whether or not a person has violated or is in violation of any provision or condition of a permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.
21. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the CAA, or any rule promulgated, issued or approved under Title V of the CAA.

### **Factual Background**

22. Andersons Clymers owns and operates a fuel grade ethanol production dry mill facility at 3389 West County Road 300 South, Logansport, Indiana (the facility).
23. The facility includes: one (1) fermentation process containing seven (7) fermenters, identified as EP 40 through EP 46, with emissions controlled by wet scrubber S-40; two (2) liquefaction tanks, identified as EP-47 and EP-48; two (2) yeast tanks, identified as EP-49A and EP-49B; one (1) grain elevator receiving process containing unit identification EP-1, EP-2, and EP-4, with emissions controlled by baghouse #1; and one (1) grain elevator internal handling and grain transfer to Day Bin process containing unit identification EP-20A, EP-5, EP-7, EP-8A, and EP-8B, with emissions controlled by baghouse #2.

24. On August 16, 2013, EPA issued a Request for Information to Andersons Clymers under Section 114 of the CAA, 42 U.S.C. § 7414.
25. On September 27, 2013, Andersons Clymers responded to EPA's Request for Information.
26. From November 4 thru 10, 2011, Andersons Clymers performed several stack tests on wet scrubber S-40.
27. From June 4 through 5, 2012, Andersons Clymers performed several stack tests on wet scrubber S-40.
28. From May 7 through May 16, 2013, Andersons Clymers performed several stack tests on baghouse #1 and baghouse #2.
29. The November 4, 2011, stack test results show that the facility emitted 2.30 lbs acetaldehyde/hr and total HAP emissions/hr from wet scrubber S-40.
30. The November 9, 2011, stack test results show that the facility emitted 1.37 lbs acetaldehyde/hr and total HAP emissions/hr from wet scrubber S-40.
31. The November 9 to November 10, 2011, stack test results show that the facility emitted 1.36 lbs acetaldehyde/hr and total HAP emissions/hr from wet scrubber S-40.
32. The November 10, 2011, stack test results show that the facility emitted 1.12 lbs acetaldehyde/hr from wet scrubber S-40.
33. The June 4, 2012, stack test results show that the facility emitted 3.41 lbs acetaldehyde/hr and total HAP emissions/hr from wet scrubber S-40.
34. The June 4, 2012, stack test results show that the facility emitted 12.53 lbs/hour VOC from wet scrubber S-40.
35. The June 4 to June 5, 2012, stack tests show that the facility emitted 2.26 lbs acetaldehyde/hr and total HAP emissions/hr from wet scrubber S-40.
36. The June 5, 2012, stack test results show that the facility emitted 1.10 lbs acetaldehyde/hr from wet scrubber S-40.
37. The May 14, 2013, stack test results show that the facility emitted 1.50 lbs/hour of both PM<sub>10</sub> and PM<sub>2.50</sub> from baghouse #2.
38. The May 15, 2013, stack test results show that the facility emitted 1.50 lbs/hour of both PM<sub>10</sub> and PM<sub>2.50</sub> from baghouse #1.

## **Violations**

39. The November, 2011, stack test results demonstrate that at wet scrubber S-40, the facility emitted acetaldehyde in excess of the permitted limit of 1.05 lbs/hr, as required by 326 IAC 2-8-4 and Title V Permit No. 017-32589-00023, Emission Limit D.2.1(a), which constitutes a violation of the Indiana SIP, Sections 110 and 502(a) of the CAA, 42 U.S.C. §§ 7410, 7661a(a), and 40 C.F.R. § 70.7(b).
40. The June 4, 2012, stack test results demonstrate that at wet scrubber S-40, the facility emitted VOC emissions in excess of the permitted limit of 9.42 lbs/hr, as required by 326 IAC 2-8-4 and Title V Permit No. 017-32589-00023, Emission Limit D.2.1(a), which constitutes a violation of the Indiana SIP, Sections 110 and 502(a) of the CAA, 42 U.S.C. §§ 7410, 7661a(a), and 40 C.F.R. § 70.7(b).
41. The June 2012, stack tests results demonstrate that at wet scrubber S-40, the facility emitted acetaldehyde in excess of the permitted limit of 1.05 lbs/hr, as required by 326 IAC and Title V Permit No. 017-32589-00023, Emission Limit D.2.1(a), which constitutes violation of the Indiana SIP, Sections 110 and 502(a) of the CAA, 42 U.S.C. §§ 7410, 7661a(a), and 40 C.F.R. § 70.7(b).
42. The November 2011, and June 2012, stack tests results demonstrate that at wet scrubber S-40, the facility emitted total HAP emissions in excess of the permitted limit of 1.20 lbs/hr, as required by 326 IAC 2-8-4 and Title V Permit No. 017-32589-00023, Emission Limit D.2.1(a), which constitutes a violation of the Indiana SIP, Sections 110 and 502(a) of the CAA, 42 U.S.C. §§ 7410, 7661a(a), and 40 C.F.R. § 70.7(b).
43. The May 14, 2013, stack test results demonstrate that at baghouse #2, the facility emitted PM<sub>10</sub> and PM<sub>2.5</sub> in excess of 0.86 lb/hr, as required by Title V Permit No. 017-32589-00023, Emission Limit D.1.1(a), which constitutes a violation of the Indiana SIP, Sections 110 and 502(a) of the CAA, 42 U.S.C. §§ 7410, 7661a(a), and 40 C.F.R. § 70.7(b).
44. The May 15, 2013, stack test results demonstrate that at baghouse #1, the facility emitted PM<sub>10</sub> and PM<sub>2.5</sub> in excess of 1.00 lb/hr, as required by Title V Permit No. 017-32589-00023, Emission Limit D.1.1(a), which constitutes a violation of the Indiana SIP, Sections 110 and 502(a) of the CAA, 42 U.S.C. §§ 7410, 7661a(a), and 40 C.F.R. § 70.7(b).

## **Environmental Impact of Violations**

45. VOC pollution causes a variety of health and environmental impacts, such as acid rain, global warming, water quality deterioration, and visual impairment. VOC plays a major role in the atmospheric reactions that produce ozone. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground level ozone also

can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.

46. The effects of inhaling particulate matter have been widely studied in humans and animals and include asthma, lung cancer, cardiovascular issues, and premature death. Particulate matter smaller than 10 micrometers, referred to as PM<sub>10</sub>, can settle in the bronchi and lungs and cause health problems.
47. The primary acute effect of inhalation exposure to acetaldehyde is irritation of the eyes, skin, and respiratory tract in humans. At higher exposure levels, erythema, coughing, pulmonary edema, and necrosis may also occur.

Date

9/29/14

George T. Czarniak  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

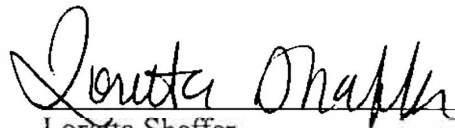
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-14-IN-08, by Certified Mail, Return Receipt Requested, to:

Phil Huffman, Plant Manager  
The Andersons Clymers Ethanol, LLC  
3389 West County Road 300 South  
Logansport, Indiana 46947

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room IGCN 1003  
Indianapolis, Indiana 46206-6015

On the 1 day of October 2014.



Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7672 9154



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 29 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Jeff Painter, President  
Cardinal Ethanol, LLC  
1554 North County Road 800 East  
Union City, Indiana 47390

Re: Notice and Finding of Violation  
**Cardinal Ethanol, LLC**  
Union City, Indiana

Dear Mr. Painter:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Cardinal Ethanol, LLC (Cardinal or you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating the Indiana State Implementation Plan and your Title V permit at your Union City, Indiana facility.

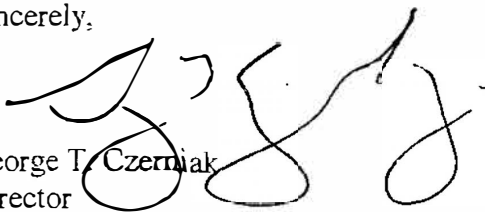
Section 113 of the Clean Air Act, 42 U.S.C. § 7413(a), gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Manoj P. Patel. You may call him at (312) 353-3565 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry, Branch Chief  
Office of Air Quality/Compliance & Enforcement Branch  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Cardinal Ethanol, LLC  
Union City, Indiana**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. § 7401 et seq.

)  
)  
) **NOTICE OF VIOLATION and  
FINDING OF VIOLATION**  
)  
)

) **EPA-5-14-IN-09**  
)  
)

**NOTICE AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV or Notice) under Section 113(a) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a). The authority to issue this NOV/FOV has been delegated to the Regional Administrator of EPA Region 5 and redelegated to the Director, Air and Radiation Division. EPA finds that Cardinal Ethanol, LLC (Cardinal) is violating the Indiana State Implementation Plan (SIP) and its Title V permit, as follows:

**Statutory and Regulatory Background**

1. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program (Title V Permit Program). On December 4, 2001, 66 Fed. Reg. 62969, EPA granted Indiana final approval of its Title V Permit Program, effective November 30, 2001.
2. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b), provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
3. 40 C.F.R. § 70.3 provides that the requirements of Part 70 apply to any major source located in a state that has received whole or partial approval of its Title V program.
4. On February 20, 2008, 73 Fed. Reg. 9201-9203, EPA approved 326 IAC 8-5-6, fuel grade ethanol production at dry mills, to its volatile organic compounds (VOC) rules as a revision to the Indiana SIP at 40 C.F.R. § 52.770(c)(182).
5. 326 IAC 8-5-6(c)(3) states that the owner or operator of a fuel grade dry mill ethanol production plant shall install and operate an enclosed flare with an overall control efficiency of not less than 98% percent.

6. 326 IAC 8-5-6(d) provides that the owner or operator of a fuel grade ethanol dry mill production plant that was constructed or modified after April 1, 2007, that installs and operates an enclosed flare as its VOC control device, shall determine initial compliance with the control efficiency requirement within sixty (60) days after achieving maximum production levels but no later than one hundred and eighty (180) days after startup.
7. On August 5, 2010, the Indiana Department of Environmental Management issued Title V Operating Permit No. T135-28921-00033 to Cardinal. Prior to August 5, 2010, the facility operated under Federally Enforceable State Operating Permit #F135-23226-00033 which issued on January 26, 2007.
8. Part D.5.2(b) of its Title V Permit requires Cardinal to install and operate an enclosed flare with an overall control efficiency of not less than 98% percent.
9. Part B.24 of the Title V permit and 40 C.F.R. § 52.12 provide that, for the purpose of establishing whether or not a person has violated or in violation of any provision or condition of a permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.
10. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the Act, or any rule promulgated, issued or approved under Title V of the Act.
11. 40 C.F.R. § 52.23 provides, among other things, that a person who fails to comply with any permit condition issued in accordance with a SIP-approved installation permit or with any approved regulatory provision of a SIP is in violation of and subject to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

### **Factual Background**

12. Cardinal owns and operates a fuel grade ethanol production dry mill facility at 1554 North County Road 600 East, Union City, Indiana (the facility).
13. The facility was constructed or modified after April 1, 2007, and uses the dry milling process. It contains one (1) ethanol loading rack for trucks or rail cars identified as P64 and exhausts to stack S50.
14. Cardinal operates an enclosed flare as its VOC control device.
15. On or about August 5, 2010, IDEM approved and issued a new source review and Part 70 operating permit to Cardinal to modify facility operations to increase the production capacity from 110 million gallons of denatured ethanol per year (MMGPY) to 135 MMGPY.

16. On June 13, 2012, EPA performed an announced inspection of the facility. EPA observed that VOC emissions and the overall VOC control efficiency demonstration was not performed. EPA advised the facility to perform the testing to determine the overall VOC control efficiency at the flare.
17. On September 12, 2013, EPA issued a Request for Information to the Cardinal facility under Section 114 of the Act, 42 U.S.C. § 7414.
18. On October 7, 2013 and January 10, 2014, Cardinal responded to EPA's Request for Information.

#### **Violation**

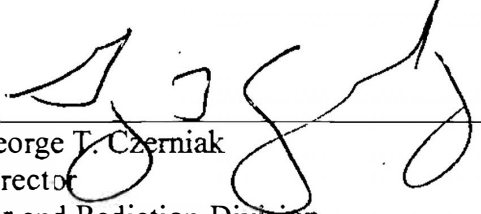
19. At its VOC control device (an enclosed flare), Cardinal failed to determine initial compliance with the control efficiency requirement within sixty (60) days after achieving maximum production levels, but no later than one hundred and eighty (180) days after startup, which constitutes a violation of the Indiana SIP, 326 IAC 8-5-6(d), and 40 C.F.R. § 52.23.
20. Cardinal failed to demonstrate that it operated its enclosed flare with an overall control efficiency of not less than 98% percent which constitutes a violation of Part D.5.2(b) of its Title V Permit, Section 502(a) of the Act, 42 U.S.C. § 7661(a), 40 C.F.R. § 70.7(b), and 40 C.F.R. § 52.23.

#### **Environmental Impact of Violation**

21. Stack testing is an important tool used to determine the facility's compliance with the overall control efficiencies requirements under the SIPs. It determines a pollutant emission rate, concentration, or parameter while the facility, emission unit, or air pollution control equipment is operating at conditions that result in the measurement of emissions or parameter values or at other operating conditions approved by the regulatory authority.
22. VOC pollution causes a variety of health and environmental impacts, such as acid rain, global warming, water quality deterioration, and visual impairment. VOC plays a major role in the atmospheric reactions that produce ozone. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.

Date

9/29/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

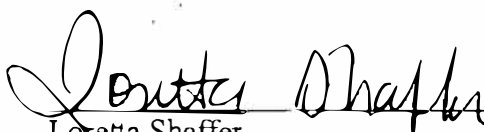
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-14-IN-09, by Certified Mail, Return Receipt Requested, to:

Jeff Painter, President  
Cardinal Ethanol, LLC  
1554 North County Road 600 East  
Union City, Indiana 47390

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room IGCN 1003  
Indianapolis, Indiana 46206-6015

On the 1 day of October, 2014.



Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7672 9161

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

American Iron Oxide Company and  
Magnetics International, Inc.  
1111 North State Road 149  
Burns Harbor, Indiana 46304

**ATTENTION:**

Franz Mullings, Vice President, Compliance and Business  
Development

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency (EPA) is requiring American Iron Oxide Company (AMROX) and Magnetics International, Inc. (MII) (hereinafter collectively referred to as AMROX/MII) to submit certain information about its two facilities located at 6300 U.S. Highway Route 12, Portage, Indiana 46368 (AMROX Facility) and 1111 North State Road 149, Burns Harbor, Indiana 46304 (Magnetics Facility). Appendix C specifies the information that you must submit. Appendix B specifies the instructions needed to answer this information request. You must send this information to EPA within thirty (30) calendar days after you receive this request.

EPA is issuing this information request under Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

EPA is requesting this information to determine whether your emission source is complying with the Act.

Send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Appendix A specifies the assertion and substantiation requirements for business confidentiality claims. AMROX/MII must submit all requested information under an authorized signature with the following certification:

*I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.*

We may use any information submitted in response to this request in an administrative, civil, or criminal action.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, EPA requests that you provide all documents responsive to this request in an electronic format in accordance with 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If

Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

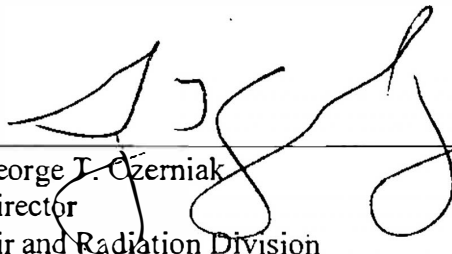
3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please also mark each page that is confidential business information as such.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Failure to comply fully with this request for information may subject AMROX/MII to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

You should direct any questions about this request for information to Linda H. Rosen  
(312) 886-6810.

Date

12/3/14

  
George T. Czerniak  
Director  
Air and Radiation Division

## Appendix A

### Confidential Business Information (CBI) Assertion and Substantiation Requirements

#### Assertion Requirements

You may assert a business confidentiality claim covering any part of the information requested in the attached letter, as provided in 40 C.F.R. § 2.203(b). To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a legend to indicate the intent to claim confidentiality. The stamped or typed legend or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by the United States Environmental Protection Agency (EPA) only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414(c), and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

#### Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208 which provides in part that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the

extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§ 2.301 (a)(2)(i)(A), (B) and (C).

Emission data includes, but is not limited to, service records stating the amount of refrigerant added to a unit or reclaimed from a unit.

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

## **Appendix B**

When providing the information requested in Appendix C, use the following instructions and definitions.

### **INSTRUCTIONS**

1. Provide a separate narrative response to each question and subpart of a question set forth in the information request.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
3. Indicate on each document produced in response to this information request, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response are neither in your possession nor available to you at other AMROX or MII locations, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information. Please note that you must supply responsive documents available at other AMROX/MII locations.

### **DEFINITIONS**

All terms used in this request for information will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. §§ 7401 et seq., 40 C.F.R. Part 52 (which incorporates the federally-approved State Implementation Plan), or other Clean Air Act implementing regulations. Reference is made to the EPA regulatory provisions only; however, you should apply the applicable federally-approved state provisions, when appropriate. Definitional clarification is specified below.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing,

recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

3. The term "AMROX/MII" shall mean American Iron Oxide Company, Magnetics International, Inc. and all subsidiaries, parent companies and related entities.

## Appendix C

Provide the following information separately for the AMROX and Magnetics facilities using the instructions and definitions provided in Appendix B. EPA requests that all information be provided in electronic (.pdf or .xls) format, if possible.

1. Provide a description of the roasting processes at each facility, including but not limited to the types of equipment, fuels used, raw materials used, maximum and average processing rates, etc. Provide a schematic diagram showing the location of all major process and air pollution control equipment.
2. For each roaster at each facility, describe the systems in place to measure, monitor and record the below listed parameters. Include the name, make and model of each system, the date it was installed, the calibration procedures you use, and the frequency of monitoring and recording, including:
  - (a) the hydrochloric acid (HCl)/chlorine (Cl<sub>2</sub>) scrubber system makeup water flow rate;
  - (b) the HCl/Cl<sub>2</sub> scrubber system pressure drop;
  - (c) the HCl/Cl<sub>2</sub> scrubber system recirculation water flow rate;
  - (d) the process offgas temperature; and
  - (e) parameters from which proportion of excess air is determined.
3. As required by 40 C.F.R. § 63.1161(b), and for the period January 1, 2010 to the present, provide for each roaster at each facility the site-specific operating parameter values established for the minimum HCl/Cl<sub>2</sub> scrubber makeup water flow rate and, if applicable, the minimum scrubber system recirculation water flow rate based on the monitoring data recorded during performance tests. Show the exact calculations performed to establish the operating parameter values and state when the parameter values were established. Provide copies of all the underlying monitoring data collected during the performance tests that you used in the establishment of the operating parameters. If no such parameters were calculated for any given time period since January 1, 2010, please so state.
4. As required by 40 C.F.R. § 63.1161(c), and for the period January 1, 2010 to the present, provide for each roaster at each facility the site-specific operating parameter values established for the minimum process offgas temperature and the maximum proportion of excess air fed to the process based on monitoring data recorded during performance tests. Show the exact calculations performed to establish the operating parameter values and state when the parameter values were established. Provide copies of all the underlying monitoring data collected during the performance tests that you used in the establishment of the operating parameters. If no such parameters were calculated for any given time period since January 1, 2010, please so state.
5. As required by 40 C.F.R. § 63.1165(b) and § 63.1160(b)(1)(i), provide copies of the following records for each roaster at each facility for the period January 1, 2010 to the

present:

- (a) HCl/Cl<sub>2</sub> scrubber system makeup water flow rate and recirculation water flow rate;
  - (b) Process offgas temperature;
  - (c) Parameters that determine proportion of excess air;
  - (d) Calculation of excess air;
  - (e) Pressure drop across the HCl/Cl<sub>2</sub> scrubber system; and
  - (f) Calibration and manufacturer certification that monitoring devices are accurate to within 5 percent.
6. For the period January 1, 2010, to the present, provide for each facility copies of all versions (by date) of the operation and maintenance plans required by 40 C.F.R. § 63.1160(b)(1).
  7. For the period January 1, 2012 to the present, provide for each facility copies of the records of all inspections conducted on the HCl/Cl<sub>2</sub> scrubber systems, including results and corrective actions, as required by 40 C.F.R. § 63.1160(b)(1)(iv) and 63.1160(b)(1)(vii).
  8. For the period January 1, 2010 to the present, provide copies of all versions (by date) of each facility's written maintenance plan, required by 40 C.F.R. § 63.1160(b)(2).
  9. For the period July 1, 2014 to the present, for each facility, provide copies of the daily maintenance records required by 40 C.F.R. § 63.1160(b)(2)(iii).
  10. For the period January 1, 2012 to the present, for each facility, provide copies of the semi-annual malfunction reports required to be submitted by 40 C.F.R. § 63.1164(c).
  11. For the period January 1, 2012 to the present, for each facility, provide copies of the following records required to be kept by 40 C.F.R. § 63.1165(a)(1)-(4):
    - (a) The occurrence and duration of each malfunction of operation (i.e., process equipment);
    - (b) The occurrence and duration of each malfunction of the air pollution control equipment;
    - (c) All maintenance performed on the air pollution control equipment; and
    - (d) Actions taken during periods of malfunction to minimize emissions in accordance with § 63.1259(c) and the dates of such actions (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation).
  12. For the period January 1, 2010 to the present, specify the dates and times and include copies of the supporting records that indicate when each roaster at each facility was in "hydrochloric acid regeneration production mode" as defined in 40 C.F.R. § 63.1156. "Hydrochloric acid regeneration production mode" means operation under conditions that result in production of usable regenerated acid or iron oxide.

13. For the period January 1, 2010 to the present, indicate the dates and times when each roaster at each facility was operating (and submit supporting documentation), if that information is different than that provided in response to item 12, above.
14. On what date did AMROX/MII startup, as defined in 40 C.F.R. § 60.2, Roaster B at the Magnetics facility?
15. Provide copies of the results of all stack and emissions testing on all roasters for particulate matter, HCl and Cl<sub>2</sub>, for the period January 1, 2010 that were not submitted to the U.S. EPA. Include in your response the results of emission tests runs conducted prior to or around the same time as emission testing that was done for which the results were submitted to EPA. Also include any emission testing that was done for internal purposes for any reason even if such testing did not follow reference methods.
16. Provide copies of all Title V annual compliance certification reports submitted for each facility since January 1, 2010.

**CERTIFICATE OF MAILING**

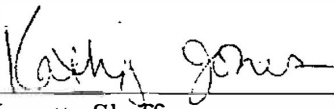
I, Loretta Shafer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Franz Mullings, Vice President, Compliance and Business Development  
American Iron Oxide Company and  
Magnetics International, Inc.  
1111 North State Road 149  
Burns Harbor, Indiana 46304

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Office of Air Quality / Compliance Branch  
Indiana Department of Environmental Management  
100 North Senate Avenue / Room IGCN 1003  
Indianapolis, Indiana 46204-2251

On the 4<sup>th</sup> day of December 2014

  
for Loretta Shafer  
Administrative Professional Assistant  
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 70111150 0000 2640 5724

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Cummins Inc. Technical Center  
1900 McKinley Avenue  
Columbus, Indiana 47201

**ATTENTION:**

Wayne Eckerle  
Vice President – Research and Technology  
Cummins Technical Center

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Cummins Inc. Technical Center (“Cummins” or “you”) to submit certain information about the facility at 1900 McKinley Avenue, Columbus, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Cummins owns and operates an emission source at the Columbus, Indiana facility. We are requesting this information to determine whether your emission source is complying with the Indiana State Implementation Plan and the National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands, at 40 C.F.R. Part 63, Subpart P.

Cummins must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Cummins must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

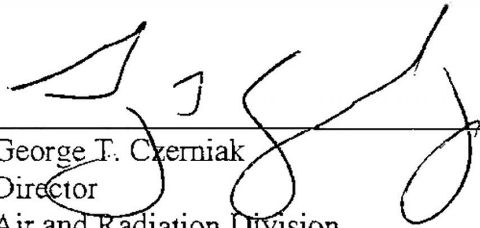
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Cummins to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Manoj P. Patel at (312) 353-3565.

12/10/14  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands at 40 C.F.R. Part 63, Subpart P.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The terms "engine test cell/stand" means any apparatus used for testing uninstalled stationary or uninstalled mobile (motive) engines. This includes all support equipment required to operate the test cell/stands at the Cummins Technical Center.

4. The term "reconstruction" means the replacement of components of an affected or previously nonaffected source to such an extent that the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source.
5. The term "affected source" means, for the purpose of 40 C.F.R. Part 63, the collection of equipment, activities, or both within a single contiguous area and under common control.

## **Appendix B**

### **Information You Are Required to Submit to EPA**

Cummins must submit the following information pursuant to Section 114(a) of the CAA,

42 U.S.C. § 7414(a):

1. The date or year commercial operation began at the Columbus Technical Center (facility).
2. A process flow diagram for the facility, identifying on the diagram all emission sources, including but not limited to engine test cells, dynamometers, and associated control equipment. A list of all of the test cells in operation at the facility and the date or year these cells were placed into operation.
3. A list of all projects of an amount greater than \$50,000 approved or completed between May 27, 2003, and the date of this request. For each project, identify the work performed, the date (month and year) the work was completed or projected to be completed, the project work order number, the dollar amount approved, and the dollar amount expended. This includes test cell equipment and support equipment located external to the test cells, such as dynamometers, ventilation, and cooling systems, but excluding passive measurement and control instrumentation and electronics.
4. Copies of all documents, including reports, memoranda, correspondence, and telephone discussion summaries pertaining to the scope of improvements made to the test cells and support equipment following the flooding event in June 2008 that were related to the applicability of the National Emissions Standards for Hazardous Air Pollutants for Engine Test Cells/Standards at 40 C.F.R. Part 63, Subpart P. P. P. P. P.
5. A description of the modifications made to the test cells in 2012 and 2013, as referenced in the modification made to the Part 70 operation permit renewal Number T005-30836-00002 issued on November 5, 2013, by the Indiana Department of Environmental Management.
6. A copy of the permit application for the permit modification referenced in question 5 above.
7. A copy of the latest emission inventory, showing how the criteria and hazardous air pollutants are calculated.

8. Provide copies of all reports, results, and data for any and all emission tests and emission studies, whether formal or informal, conducted by Cummins or its consultants/contractors on the engine test cells or dynamometers.
9. Provide the name and address of all Cummins facilities in the Region 5 that contain engine test cells and/or dynamometers.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**


I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Wayne Eckerle, Vice President – Research and Technology  
Cummins Technical Center  
1900 McKinley Avenue  
Columbus, Indiana 47201

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Branch Chief  
Office of Air Quality/Compliance &  
Enforcement Branch  
Indiana Department of Environmental  
Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

On the 11 day of December 2014.

  
\_\_\_\_\_  
for Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7011 1150 0000 2640 5786

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Ten Cate Enbi, Inc.  
1703 McCall Dr.  
Shelbyville, Indiana 46167

**ATTENTION:**

John Wojtkowski  
General Manager

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Ten Cate Enbi, Inc. (Ten Cate or you) to submit certain information about the facility at 1703 McCall Dr., Shelbyville, Indiana 46167. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Ten Cate owns and operates an emission source at the Shelbyville, Indiana facility. We are requesting this information to determine whether your emission source is complying with its CAA permits, the Indiana State Implementation Plan, the New Source Performance Standards, and the National Emission Standards for Hazardous Air Pollutants.

Ten Cate must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Ten Cate must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

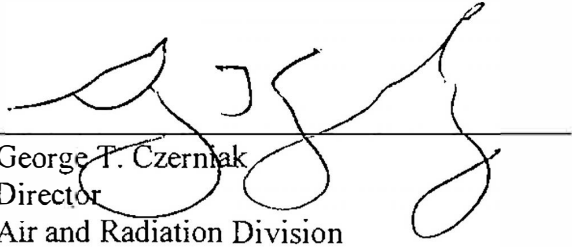
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Ten Cate to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Greg Gehrig at (312) 886-4434.

1/16/15  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

## Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

### Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B. **If the question requests numeric data, please provide this data in a Microsoft Excel format or similar.**
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in

image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, or relevant to.

## **Appendix B**

### **Information You Are Required to Submit to EPA**

Ten Cate Enbi, Inc. must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a):

1. Ten Cate is subject to the National Emissions Standard for Hazardous Air Pollutants Subpart M for Surface Coating of Miscellaneous Metal Parts and Products (Subpart M). Indicate how Ten Cate achieves compliance with the emission limitations in Subpart M at 40 C.F.R. 63.3890 and provide calculations demonstrating compliance in Microsoft Excel format. Be sure to provide:
  - a. The hazardous air pollutants per pound coating solids of each coating used for metal parts and products.
  - b. The amount of each coating used on a monthly basis since July 1, 2012.
2. Provide a copy of the Preventative Maintenance Plan as required in Section B.10 in Ten Cate's Title V Operation Permit No. 145-33457-00026 issued on January 8, 2014 (Permit) by the Indiana Department of Environmental Protection.
3. Indicate if the crack in the ductwork observed during the EPA inspection on July 19, 2012, has been repaired. EPA understands that this ductwork is used to vent emissions from 2 rubber mixing open mills to a baghouse per Section D.3 of the Permit.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

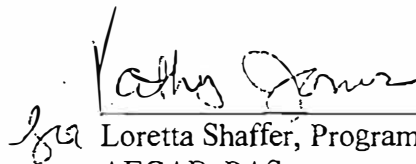
John Wojtkowski  
General Manager  
Ten Cate Enbi, Inc.  
1703 McCall Dr.  
Shelbyville, Indiana 46167

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Dept. of Environmental Mgmt  
Room IGCN 1003  
100 North Senate Avenue  
Indianapolis, Indiana 46206-6015

Larry Howard  
Environmental Manager  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Dept. of Environmental Mgmt  
Room IGCN 1003  
100 North Senate Avenue  
Indianapolis, Indiana 46206-6015

On the 20<sup>th</sup> day of January 2015.

  
\_\_\_\_\_  
Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7011 1150 0000 2640 5953



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB - 5 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

John Hudson  
Manager of Health, Safety, and Environmental  
Indiana Harbor Coke Company  
3210 Watling Street  
East Chicago, Indiana 46312

Katherine Gates  
SunCoke Energy, Incorporated  
1011 Warrenville Rd., Suite 600  
Lisle, Illinois 60532

Re: Finding of Violation  
SunCoke Energy, Incorporated, and Indiana Harbor Coke Company, LP, and Indiana  
Harbor Coke Company  
East Chicago, Indiana

Dear Mr. Hudson:

The U.S. Environmental Protection Agency (EPA) is issuing the enclosed Finding of Violation (FOV) to SunCoke Energy, Inc., and Indiana Harbor Coke Company, LP, and Indiana Harbor Coke Company (you) under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). EPA finds that you have violated the lead limits contained in your Title V Permit and the National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 C.F.R. § 63.6(e)(1), at your East Chicago, Indiana facility.

Section 113 of the Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

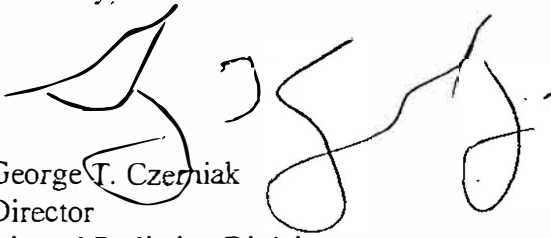
We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future

violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Gina Harrison. You may call her at (312) 353-6956 if you wish to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Michael Hall, Northwest Regional Office  
Betsy Zlatos, Indiana Assistant Attorney General

**United States Environmental Protection Agency  
Region 5**

**IN THE MATTER OF:**

Indiana Harbor Coke Company, LP,  
Indiana Harbor Coke Company, and  
SunCoke Energy, Inc.

Proceedings Pursuant to  
the Clean Air Act,  
42 U.S.C. §§ 7401 *et seq.*

**FINDING OF VIOLATION**

**EPA-5-15-IN-01**

**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency is issuing this Finding of Violation (FOV) to Indiana Harbor Coke Company, LP, Indiana Harbor Coke Company (IHO), and SunCoke Energy, Inc. for violations of the Clean Air Act (Act), 42 U.S.C. §§ 7401 *et seq.*, at the IHO facility in East Chicago, Indiana.

This FOV is issued pursuant to Sections 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3). The authority to issue this FOV has been delegated to the Regional Administrator of EPA, Region 5, and redelegated to the Director, Air and Radiation Division.

**STATUTORY AND REGULATORY BACKGROUND**

**Title V Requirements**

1. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program which meets the requirements of Title V. On December 4, 2001, EPA granted Indiana final approval of its Title V Clean Air Act Permit Program, effective November 30, 2001.
2. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
3. Indiana Department of Environmental Management (IDEM) issued to IHO a Title V Operating Permit T089-30043-00382 (Title V Permit) on December 20, 2011. The Title V

Permit incorporates all limits and operational constraints set forth in IHO's Construction Permit, 089-9236-00382, issued February 26, 1998 and modified on November 30, 2001. These permits include limits for emissions generated at bypass vents and the waste gas stack.

4. Pursuant to Significant Modification 089-14241-00382 issued on November 30, 2001, Part D.1.4(a) of IHO's Title V Permit limits lead emissions from the waste gas stack (Stack ID 201) and 16 vent stacks to 0.19 pounds per hour, averaged over a six hour period.
5. Part B.9(a) of IHO's Title V Permit requires IHO to annually submit a compliance certification report that addresses the status of the source's compliance with the terms and conditions contained in its Title V Permit, including emission limitations, standards, and work practices, covering the period January 1 to December 31 of the previous year, and requires IHO to submit this report to IDEM and to EPA no later than April 15 of each year.

**National Emission Standards for Hazardous Air Pollutants (NESHAP)**  
**Requirements**

6. Section 112(d) of the Act, 42 U.S.C. § 7412(d), authorizes EPA to promulgate regulations establishing emission standards for particular industrial sources that emit one or more of the Hazardous Air Pollutants (HAPs) listed in Section 112(b) of the Act in significant quantities.
7. On April 14, 2003, EPA promulgated the NESHAP for Coke Ovens: Pushing, Quenching, and Battery Stacks at 40 C.F.R. Part 63, Subpart CCCCC. Subpart CCCCC applies to owners or operators of a coke oven battery at a coke plant that is (or is part of) a major source of HAP emissions. A major source of HAP is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAP at a rate of 25 tons or more per year. 40 C.F.R. § 63.7282.
8. 40 C.F.R. Part 63, Subpart CCCCC, defines an affected source as a new or existing coke oven battery constructed on or before July 3, 2001.
9. 40 C.F.R. § 63.7300(a) states, "as required by § 63.6(e)(1)(i), you must always operate and maintain your affected source, including air pollution control and monitoring equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by this subpart."
10. 40 C.F.R. § 63.6(e)(1)(i) requires that at all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

## **FACTUAL BACKGROUND**

11. SunCoke Energy, Inc., and Indiana Harbor Coke Company, LP, and Indiana Harbor Coke Company, own and/or operate a heat recovery metallurgical coke plant at 3210 Watling Street, East Chicago, Indiana (IHO). The IHO facility is located within Lake County, Indiana.
12. The facility is classified as a major stationary source as that term is defined at 40 C.F.R. § 51.166(i)(4)(ii), and an existing coke oven battery as that term is defined at 40 C.F.R. § 63.7282.
13. The facility contains four coke oven batteries, designated Batteries A, B, C, and D, which were constructed in 1998.
14. On April 15, 2013, IHO submitted an Annual Compliance Certification report to IDEM covering the period January 1, 2012 to December 31, 2012. In this report, IHO reported that it had exceeded its 6-hour lead emission limit on 59 separate occasions as a result of excess venting caused by “unplanned system breakdowns” during the period January 1, 2012 to December 31, 2012.
15. On April 15, 2014, IHO submitted an Annual Compliance Certification report to IDEM covering the period January 1, 2013 to December 31, 2013. In this report, IHO reported that it had exceeded its 6-hour lead emission limit on 216 separate occasions as a result of excess venting caused by “unplanned system breakdowns” during the period January 1, 2013 to December 31, 2013.
16. The failure by Indiana Harbor Coke Company, Indiana Harbor Coke Company, LP, and SunCoke Energy, Inc. to prevent significant deterioration of the IHO facility’s heat recovery steam generators and to limit lead emissions to levels required by the facility’s Title V Permit on 216 separate occasions over a period of two years constitutes failure to operate in a manner consistent with safety and good air pollution control practices for minimizing emissions.

## **VIOLATIONS OF EMISSIONS LIMITS AND OPERATING STANDARDS**

17. The failure by Indiana Harbor Coke Company, LP, Indiana Harbor Coke Company, and SunCoke Energy, Inc., to limit lead emissions from the waste gas stack (Stack ID 201) and 16 vent stacks at the IHO facility to 0.19 pounds per hour on 275 separate occasions in 2012 and 2013, each averaged over a six hour period, violates Part D.1.4(a) of the Title V Permit,

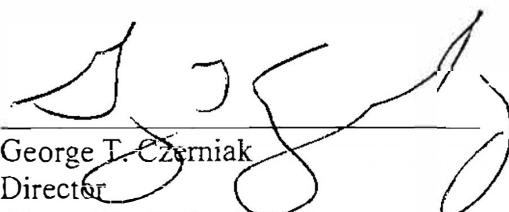
Section 502(a) of the Act, 42 U.S.C. § 7661a(a), 40 C.F.R. § 70.7(b) and the NESHAP at 40 C.F.R. §§ 63.6(e)(1) and 63.7300(a).

## ENVIRONMENTAL IMPACT OF VIOLATIONS

18. The violations by Indiana Harbor Coke Company, Indiana Harbor Coke Company, LP, and SunCoke Energy, Inc. led to excess lead emissions. Lead can affect almost every organ in the body but is most detrimental to the nervous system. In children, low levels of lead in the blood can result in permanent damage to the brain and nervous system, which may lead to behavior and learning problems, lower IQ, hearing problems, slowed growth, and anemia. In adults, lead affects the nervous and cardiovascular systems, and may cause decreased kidney function, reproductive problems for both men and women, and serious risks for pregnant women and developing fetuses.
19. Excess lead and coke oven emissions increase the amount of acid rain and public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

Date

2/5/15

  
George T. Czerniak  
Director  
Air and Radiation Division

## **CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-14-IN-01, by Certified Mail, Return Receipt Requested, to:

John Hudson  
Manager of Health, Safety, and Environmental  
Indiana Harbor Coke Company  
3210 Watling Street  
East Chicago, Indiana 46312

I also certify that I sent copies of the Finding of Violation by first class mail to:

Katherine Gates  
SunCoke Energy, Incorporated  
1011 Warrenville Rd., Ste 600  
Lisle, Illinois 60532

Robert Brager  
Beveridge and Diamond, PC  
201 North Charles Street  
Suite 2210  
Baltimore, MD 21201-4150

Michael Hall  
Northwest Regional Office  
Indiana Department of Environmental Management  
8380 Louisiana Street  
Merrillville, Indiana 46410-9201

Elizabeth A. Zlatos  
IDEM, Office of Legal Counsel  
100 North Senate Avenue  
MC 60-01, IGCN 1307  
Indianapolis, IN 46204-2251

Wayne T. Ault  
Assistant United States Attorney  
Northern District of Indiana  
5400 Federal Plaza, Suite 1500  
Hammond, Indiana 46320

on the 9 day of Feb, 2015.

Loretta Shaffer, Secretary

  
Loretta Shaffer, Secretary  
AECAB, MN-OH

(312) 353-5723

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 143



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 26 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Barry A. Smith  
Environmental Engineer  
Steel Dynamics, Inc.  
4500 County Road 59  
Butler, Indiana 46721

Re: Notice of Violation and Finding of Violation  
Steel Dynamics, Inc., Butler, Indiana

Dear Mr. Smith:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Steel Dynamics, Inc. (SDI) under Section 113(a)(1) and (a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (a)(3). We find that SDI is violating the Indiana State Implementation Plan, the New Source Performance Standards, the National Emission Standards for Hazardous Air Pollutants, and its Title V permits at the facility in Butler, Indiana.

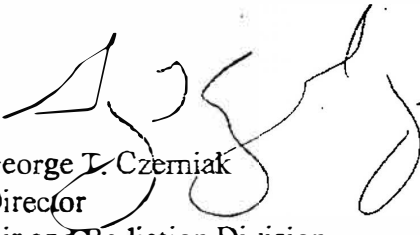
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations. In order to make the conference more productive, we encourage you to submit information responsive to the NOV/FOV to us prior to the conference date.

Please plan for your technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Dakota Prentice. You may call him at (312) 886-6761 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry, Chief, Air Compliance and Enforcement Branch, IDEM

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Steel Dynamics, Inc.,  
Butler, Indiana**

Proceedings Pursuant to  
The Clean Air Act  
42 U.S.C. § § 7401

)  
)  
) **NOTICE OF VIOLATION and  
FINDING OF VIOLATION**

)  
) **EPA-5-15-IN-02**  
)  
)  
)

**NOTICE AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV) under Sections 113(a)(1) and (a)(3) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1) and (a)(3). EPA finds that Steel Dynamics, Inc. (SDI) is violating the Indiana State Implementation Plan (SIP), the New Source Performance Standards (NSPS), the National Emission Standards for Hazardous Air Pollutants (NESHAP), and its Title V permits, at its Butler, Indiana facility (the Facility) as follows:

**Statutory and Regulatory Authority**

**New Source Performance Standards – General Provisions**

1. Section 111(b) of the Act, 42 U.S.C. § 7411(b), requires EPA to publish a list of categories of stationary sources and, within a year after the inclusion of a category of stationary sources in the list, to publish proposed regulations establishing federal standards of performance for new sources within the source category. These emission standards are known as the New Source Performance Standards (NSPS).
2. 40 C.F.R. Part 60, Subpart A (NSPS Subpart A), contains the General Provisions for the NSPS.
3. The provisions of NSPS Subpart A apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility. 40 C.F.R. § 60.1(a).
4. 40 C.F.R. § 60.11(d) states in part, at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

The NSPS for Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 – 40 C.F.R Part 60. Subpart AAa

5. On October 31, 1984, EPA promulgated the Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 at 40 C.F.R. Part 60, Subpart AAa (Subpart AAa). 49 Fed. Reg. 43845
6. Subpart AAa applies to EAFs that commenced construction, modification, or reconstruction after August 17, 1983. 40 C.F.R. § 60.270a(b).
7. Pursuant to 40 C.F.R. § 60.274a(b), the owner or operator subject to the provisions of this subpart shall check and record on a once-per-shift basis the furnace static pressure (if direct-shell evacuation control system (DEC) system is in use, and a furnace static pressure gauge is installed according to paragraph (f) of this section) and either: check and record the control system fan motor amperes and damper position on a once-per-shift basis; install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood; or install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate at the control device inlet and check and record damper positions on a once-per-shift basis.
8. Pursuant to 40 C.F.R. § 60.276a(a), records of the measurements required in § 60.274a must be retained for at least 2 years following the date of the measurement.

National Emission Standards for Hazardous Air Pollutants – General Provisions (Subpart A)

9. Section 112 of the Act, 42 U.S.C. § 7412, requires EPA to promulgate a list of all categories and subcategories of major sources and area sources of hazardous air pollutants (HAP) and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP).
10. “Hazardous air pollutant” means “any air pollutant listed in or pursuant to” Section 112(b) of the Act. 42 U.S.C. § 7412(a)(6).
11. “Major sources” means any stationary source that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. 42 U.S.C. § 7412(a)(1)
12. “Area source” means any stationary source of hazardous air pollutants that is not a major source. 42 U.S.C. § 7412(a)(2)
13. 40 C.F.R. Part 63, Subpart A, contains the General Provisions for the NESHAP.
14. 40 C.F.R. § 63.6(e)(1)(i) states in part, “at all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring

equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.”

#### The NESHAP for Electric Arc Furnace Steelmaking Facilities – Subpart YYYYYY

15. Pursuant to Section 112 of the Act, the EPA promulgated the NESHAP for Electric Arc Furnace Steelmaking Facilities at 40 C.F.R. Part 63, Subpart YYYYYY, 40 C.F.R. §§ 63.10680 - 63.10692, on December 28, 2007. 72 Fed. Reg. 74111.
16. The NESHAP at 40 C.F.R. Part 63, Subpart YYYYYY, applies to an owner or operator of an EAF steelmaking facility that is an area source of HAP emissions. 40 C.F.R. § 63.10680(a).
17. Table 1 of 40 C.F.R. Part 63, Subpart YYYYYY incorporates § 63.6(e)(1)(i) by reference.

#### Title V Permit Program

18. Title V of the Act, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution.
19. In accordance with Section 502(b) of the Act, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. *See* 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.
20. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to the EPA a permit program meeting the requirements of Title V.
21. On August 15, 1995, EPA approved the State of Ohio’s operating permit program with an effective date of October 1, 1995. *See* 40 C.F.R. Part 70, Appendix A.
22. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
23. 40 C.F.R. § 70.6(b)(1) provides that all terms and conditions in a Title V permit are enforceable by EPA.

#### Flat Roll Division Permits

24. IDEM issued a Part 70 Operating Permit, No. 033-28134-00043, on December 30, 2009 (2009 FRD Title V Permit).
25. Subsequent to the 2009 Title V Permit, IDEM issued the following permits to the Flat Roll Division plant: Part 70 Operating Permit, No. 033-28510-00043, on February 11, 2011 (February 2011 FRD Title V Permit); Minor Source Modification to a Part 70 Source Permit, No. 033-30828-00043, on September 13, 2011 (September 2011 FRD

Title V Permit); Part 70 Operating Permit, No. 033-30847-00043, on November 7, 2011 (November 2011 FRD Title V Permit); Minor Source Modification to a Part 70 Source Permit, No. 033-32483-00043, on February 4, 2013 (February 2013 FRD Title V Permit); Part 70 Operating Permit, No. 033-32660-00043, on April 24, 2013 (April 24th 2013 FRD Title V Permit); Part 70 Operating Permit, No. 033-32147-00043, on April 26, 2013 (April 26th 2013 FRD Title V Permit); Part 70 Operating Permit, No. 033-33268-00043, on August 28, 2013 (August 2013 FRD Title V Permit); Part 70 Operating Permit, No. 033-34479-00043, on May 19, 2014 (2014 FRD Title V Permit).

26. Condition D.1.2(a)(1) of all FRD Title V Permits from the 2009 FRD Title V Permit through the 2014 FRD Title V Permit states in part that the PM/PM10 emissions from EAF #1 South shall be controlled by a direct shell evacuation (DSE) system and canopy hood with 100 percent overall capture exhausted to EAF Baghouse 1, with a minimum 99.85 control efficiency for filterable PM/PM10, discharging through Stack 01.
27. Condition D.1.2(a)(2) of all FRD Title V Permits from the 2009 FRD Title V Permit through the 2014 FRD Title V Permit states in part that the PM/PM10 emissions from EAF #2 North shall be controlled by a DSE system and canopy hood with 100 percent overall capture exhausted to EAF Baghouse 2, with a minimum 99.85 control efficiency for filterable PM/PM10, which discharges through Stack 92.
28. Condition D.2.1(a) of all FRD Title Permits from the November 2011 FRD Title V Permit through the 2014 FRD Title V Permit states in part that PM/PM-10 emissions from the ladle metallurgical stations (LMS) and stir stations shall be captured by a side draft hood and exhausted to the LMF baghouse to Stack 61.
29. Condition D.4.5(a) of the February 2011 FRD Title V Permit and September 2011 FRD Title V Permit states in part that the Permittee shall record the flow rate of the packed scrubber used in conjunction with the Pickling Line, at least once per day when the Pickling Line is in operation.
30. Condition D.4.7(a) of the February 2011 FRD Title V Permit and September 2011 FRD Title V Permit states in part that to document compliance with Condition D.4.5 - Parametric Monitoring, the Permittee shall maintain records of the once per day pickle line scrubber flow rate during normal operation.
31. Condition C.17(a) of the February 2011 FRD Title V Permit and September 2011 FRD Title V Permit states in part that records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five years from the date of monitoring sample, measurement, report, or application.

#### Iron Dynamics Division Permits

32. IDEM issued a Part 70 Operating Permit, No. T033-12614-00076, on February 19, 2010 (February 2010 IDD Title V Permit).
33. Condition C.16(a) of the February 2010 IDD Title V Permit states in part that upon detecting an excursion or exceedance, the Permittee shall restore operation of the

emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

34. Condition D.1.15(a) of the February 2010 IDD Title V Permit states in part that when any of the pressure drop readings at the rotary hearth furnace (RHF) is outside the normal range of 4.0 and 10.0 inches of water or a range established during the latest stack test, the Permittee shall take reasonable response steps in accordance with Condition C.16(a) above, of the February 2010 IDD Title V Permit.

### **Relevant Factual Background**

35. SDI owns and operates two plants at the Facility in Butler, Indiana.
36. The two plants, the Flat Roll Division (FRD), and Iron Dynamics Division (IDD), operate under two separate Title V permits, but are considered one source by IDEM. The violations alleged in this NOV/FOV pertain to FRD and IDD.
37. EAF #1 South at the FRD is subject to 40 C.F.R. Part 60, Subpart AAa, because it is an EAF that was permitted for construction in 1994.
38. EAF #2 North at the FRD is subject to 40 C.F.R. Part 60, Subpart AAa, because it is an EAF that was permitted for construction in 1997.
39. EAF #1 South and EAF #2 North at the FRD are subject to 40 C.F.R. Part 63, Subpart YYYYYY, because they are EAFs located at an area source for hazardous air pollutants (HAPs).
40. EPA conducted an inspection of the Facility on August 27, 2012, to assist in determining compliance with the Clean Air Act, the Indiana SIP, and the facility's Title V Permits.
41. EPA issued to SDI an information request under Section 114 of the CAA on January 30, 2013. SDI submitted a response on May 20, 2013 (2013 Information Request Response).
42. EPA issued SDI a second information request under Section 114 of the CAA on February 4, 2014. SDI submitted a response on May 1, 2014.

### **FRD Monitoring Requirements - NSPS AAa**

43. At EAF #1 South and EAF #2 North, SDI only maintains records of baghouse fan amps and does not maintain records of damper position, as required by 40 C.F.R. § 60.274a(a)(2)(b).

### **FRD Permits**

44. SDI's 2011 Air Emission Statement Certification submitted to IDEM states that the capture efficiency at EAF #1 South and EAF #2 North is 98.000% and that the overall control efficiency at EAF #1 South and EAF #2 North for emissions of PM10 and PM2.5

is 97.853%, Conditions D.1.2(a)(1) and D.1.2(a)(2) of the FRD Title V Permits require a capture efficiency of at least 100% and an overall control efficiency of 99.85%.

45. In the 2013 Information Request Response, SDI stated that flow rate records for the scrubber used to control emissions at the Pickling Line were no longer available for April 9, 2011 through April 11, 2011 and April 22, 2011 through October 4, 2011.

#### FRD Ventilation Study

46. A ventilation study, dated March 3, 2012, was performed at FRD by VH Enterprises, Inc. (2012 Ventilation Study).
47. The 2012 Ventilation Study observed deficiencies in the capture system associated with EAF #2 North. The study recommended extension of the canopy hood at EAF #2 North, due to observations of a "failure to capture the plume" of emissions.
48. The 2012 Ventilation Study observed deficiencies in the capture system associated with the Ladle Metallurgical Stations (LMS). The study recommended the installation of an additional dedicated baghouse for the Ladle Metallurgical Furnace (LMF) 3 as "the existing baghouse is only marginally large enough for[sic] No. 1 and No. 2 LMF's."

#### Iron Dynamics Division Pressure Drop Deviations

49. In the 2013 Information Request Response, SDI provided the pressure drop operating range established by operating practice and stack test data for the RHF of 7.5 – 12.5" H<sub>2</sub>O. According to the daily pressure drop data submitted covering January 2011 – January 2013, SDI operated outside of that range 17.3% of the operating days. Of the days that SDI operated outside the range, 60% of those were consecutive days.

#### Alleged Violations

50. By failing to monitor, record, and maintain records of the damper positions at EAF #1 South and EAF #2 North, SDI violated, and continues to violate, 40 C.F.R. § 60.274a(b) and 40 C.F.R. § 60.276a.
51. By failing to maintain 100 percent overall capture and 99.85 control efficiency at EAF #1 South and EAF #2 North, SDI violated, and continues to violate, Conditions D.1.2(a)(1) and D.1.2(a)(2) of its Title V Operating Permits.
52. By failing to make improvements to capture system needed to adequately capture the emission plume at EAF #2 North in accordance with good air pollution control practices, SDI violated, and continues to violate 40 C.F.R. § 60.11(d) and 40 C.F.R. § 63.6(e)(1)(i).
53. By failing to add additional baghouse capacity needed to capture and exhaust emissions from the LMS to the LMF baghouse, SDI violated, and continues to violate Condition D.2.1(a) of its Title V Operating Permits.

54. By failing to maintain scrubber flow rate records for five years, SDI violated Conditions C.17(a), D.4.5(a), and D.4.7(a) of its Title V Operating Permits.
55. By failing to operate within the pressure drop range established during the latest stack test and take reasonable response steps to return the control device to its normal operation as expeditious as practicable, SDI violated Condition C.16(a) and D.1.15(a) of the February 2010 IDD Title V Permit.

#### Environmental Impact of Violations

56. These violations have caused or can cause excess emissions of PM and NO<sub>x</sub>:

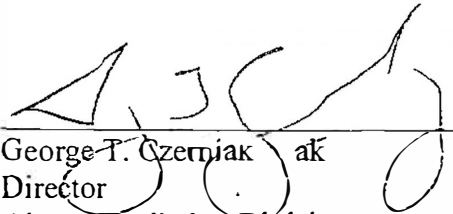
Particulate Matter: Particulate matter, especially fine particulates contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

Nitrogen Oxides: Current scientific evidence links short-term NO<sub>x</sub> exposures, ranging from 30 minutes to 24 hours, with adverse respiratory effects including airway inflammation in healthy people and increased respiratory symptoms in people with asthma. In addition, studies show a connection between breathing elevated short-term NO<sub>x</sub> concentrations, and increased hospital admissions for respiratory issues, especially asthma.

Date

2/26/15

  
George T. Czerniak  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice of Violation and

Finding of Violation, No. EPA-5-15-IN-02, by Certified Mail, Return Receipt Requested, to:

Mr. Barry A. Smith  
Environmental Engineer  
Steel Dynamics, Inc.  
4500 County Road 59  
Butler, Indiana 46721

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental  
Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 27 day of February 2015.

Loretta Shaffer  
Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 5564

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Aleris Specification Alloys, Inc.  
4525 U.S. 24 Business  
Wabash, Indiana 46992

**ATTENTION:**

**Gary Huddleston  
Environmental Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Aleris Specification Alloys, Inc. (Aleris or you) to submit certain information about the facility at 4525 U.S. 24 Business in Wabash, Indiana ("the Facility"). Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Aleris owns and operates an emission source at the Wabash, Indiana facility. We are requesting this information to determine whether your emission source is complying with the Indiana State Implementation Plan, the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production, and its Title V Permit.

Aleris must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Aleris must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

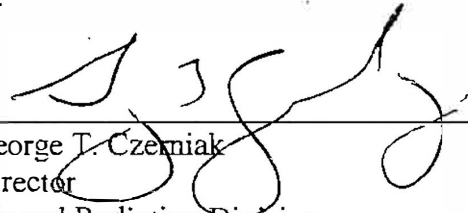
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Aleris to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Alexandra Letuchy at (312) 886-6035 or at [letuchy.alexandra@epa.gov](mailto:letuchy.alexandra@epa.gov).

2/18/15  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, and 40 C.F.R. Part 63, Subpart RRR.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. "Used Beverage Containers" shall mean either pre- or post-consumer aluminum beverage containers that have been coated with any of the following: paints, oils, lacquers, or laminates.

## Appendix B

### Information You Are Required to Submit to EPA

Aleris must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) within 30 calendar days of its receipt of this letter.

1. Provide a copy of all final air permits issued to Aleris by the Indiana Department of Environmental Management (IDEM) from January 2005 to the present, including, but not limited to, construction permits, minor source operating permits (MSOPs), federally enforceable state operating permits (FESOPs), and Part 70 Operating (Title V) Permits.
2. Provide a copy of all permit applications submitted to IDEM from January 2005 to the present. Also provide a copy of the original permit application for the current Title V Permit for the Facility.
3. Provide copies of any deviation, excess emissions reports, or startup, shutdown, and malfunction reports submitted to IDEM since January 2010.
4. Provide copies of all quarterly reports, semi-annual compliance reports, or equivalent documents submitted to either IDEM or EPA since January 2010.
5. Provide copies of all annual emissions reports submitted to IDEM for the facility from 2005 to the present, and include:
  - a. A narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used;
  - b. Any documents outlining procedures for calculating annual emissions; and
  - c. A table describing the assumed/estimated capture efficiencies for each control device(s) and the associated emission unit(s), including any associated documentation for the assumptions.
6. Provide a table of all emissions tests conducted at the facility for any reason, from January 2005 to the present, and provide copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the table and preparing copies of the stack test reports:
  - a. **Table** (in excel): Identify the emissions unit, the control device, the date of the test, pollutants tested, throughput during the test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with IDEM.

- b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, charge logs, and all calculations.
- 7. Provide all documents, related to all studies, inspections, or evaluations conducted or attempted for any reason at the facility from January 2005 to the present, associated with air pollution control equipment and control systems, including but not limited to:
  - a. System improvements implemented based on findings of any study, inspection, or evaluation;
  - b. Modeling emissions of air pollutants to the atmosphere;
  - c. American Conference of Industrial Hygienist (ACGIH) calculations;
  - d. Ventilation of the furnaces, shredder, and dryers;
  - e. Capture and collection of pollutants emitted by the furnaces, shredder, and dryers;
  - f. Performance of the baghouse-ventilation-and-control system (including volumetric flow measurements and static pressure measurements); and
  - g. Commissioning reports.
- 8. For each emission unit equipped with an add-on air pollution control device, provide technical documentation verifying compliance with 40 C.F.R. § 63.1506(c)(1).
- 9. Provide a copy of the Facility's current Operation, Maintenance, and Monitoring (OM&M) Plan, and any previous versions of the plan prepared from January 2010 to the present.
- 10. Provide a copy of the Facility's current Startup, Shutdown, and Malfunction Plan, and any previous versions of the plan prepared from January 2010 to the present.
- 11. Provide copies of all Preventative Maintenance Plans, including but not limited to Preventative Maintenance Plans required for the baghouses and the afterburner.
- 12. For the scrap dryers afterburners, provide copies of the following information:
  - a. 3-hour block average operating temperatures at each afterburner from January 2010 to the present (in excel);
  - b. Minimum required operating temperature at each afterburner, the method used to establish the limit (e.g., performance test on date), and the effective date of this temperature limit from January 2010 to the present;
  - c. Minimum required residence time in afterburner, the method used to establish the limit and associated calculation (e.g., performance test on date), the effective date

- of these residence times, and description of how the parameter is monitored to maintain compliance from January 2010 to the present; and
  - d. Afterburner inspection records and documentation regarding maintenance, repairs, or other improvements to the afterburner initiated based on finding from inspections from January 2010 to the present.
13. For the scrap dryers baghouses, provide copies of the following information:
- a. 3-hour block average inlet temperatures at the fabric filter baghouse from 2010 to the present (in excel); and
  - b. Maximum allowed fabric filter baghouse inlet temperature, the method used to establish the limit (e.g., performance test on date), and the effective date of these temperature limits from January 2010 to the present.
14. For the five reverberatory furnaces, identified as Furnaces #2, 5, 8, 10, 14, 17 in the Part 70 Operating Permit, provide copies of the following information:
- a. Dates and times any of the reverberatory furnaces were operated as a Group 2 furnace;
  - b. 3-hour block average inlet temperature for each fabric filter baghouse from January 2010 to the present (in excel);
  - c. Maximum allowable fabric filter baghouse inlet temperature, the method used to establish the limit (e.g., performance test on date), and the effective date of these temperatures from January 2010 to the present;
  - d. Records of daily inspections of the continuous lime injection system feed hopper from January 2010 to the present;
  - e. Approval from the permitting agency, on the installation of an alternative system to confirm that lime is free-flowing;
  - f. Records of the lime feed rate/screw speed, alarm setpoint, and records of alarms from January 2010 to the present;
  - g. Minimum lime feed rate established for each fabric filter baghouse during a performance test and the effective date of these minimum feed rates from January 2010 to the present;
  - h. Records of the total reactive chlorine flux injection rate from January 2010 to the present (15-minute blocks and calculation for each operating cycle/time period used during performance tests in excel); and

- i. Maximum total reactive chlorine flux injection rate established for each fabric filter baghouse during a performance test and the effective date of these minimum feed rates from January 2010 to the present.
15. Provide the following information regarding all bag leak detection systems (BLDSs) in use at the Facility:
  - a. The emission point, air pollution control unit, and process associated with each BLDS;
  - b. The manufacturer's guidance documents, including, but not limited to, the manufacturer's written specifications and recommendations, used for establishing alarm setpoints, response times, and delay times (note which document is associated with which emission point/BLDS);
  - c. All operation and maintenance documents developed by Aleris used for establishing alarm setpoints, response times, and delay times (note which document is associated with which emission point/BLDS);
  - d. A copy of a typical day BLDS chart for each emission point/BLDS;
  - e. BLDS baseline sensor reading (%) and cleaning peak reading (%) for each BLDS;
  - f. The alarm setpoints, response time, and delays used for each BLDS by Aleris from January 2010 to the present;
  - g. The data used to justify each modification of either an alarm setpoints, response time, and delays, and a narrative description of why the modification was appropriate;
  - h. Documentation submitted to EPA or IDEM for approval for a modification of an alarm;
  - i. All records maintained to demonstrate compliance with to 40 C.F.R. § 63.1506(g)(2), including, but not limited to: time and date of triggered alarms, time and type of corrective action initiated to determine cause of alarm, time and date the corrective action was initiated, time and date the corrective action was completed, and calculated operating time fraction BLDS alarms; and
  - j. The percentage of operating time each BLDS was in alarm during each 6 month reporting block from January 2010 to the present.
16. Provide records of annual inspections of emission capture/control and closed vent systems from January 2010 to the present.
17. Provide the monthly records of the total scrap aluminum processed (in tons) at each reverberatory furnace from January 2005 to the present, include a 12 month rolling sum.

18. Provide documentation of corrective actions taken where process parameters or add-on air pollution control device operating parameters deviated from the value or range established during the performance test and incorporated in the OM&M plan from January 2010 to the present.
19. Provides copies of all charge logs from January 2010 to the present and a list of dates that the furnaces were charged with materials that do not meet the definition of clean charge in 40 C.F.R. § 63.1503. Note if any of these dates were also dates of performance tests.
20. Provide the following documentation regarding the charging of Used Beverage Containers into furnaces at the Facility from January 2010 to the present.
  - a. Charge logs or records;
  - b. Charge limits and performance tests establishing limits; and
  - c. Performance tests that included the charging of Used Beverage Containers.

## Appendix C

### Confidential Business and Personal Privacy Information

#### Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

"Emission data" means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

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To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Request to Provide

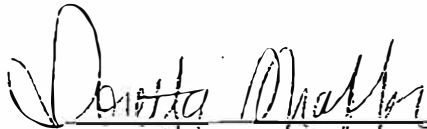
Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Aleris Specification Alloys, Inc.  
Attn: Gary Huddleston, Environmental Manager  
4525 U.S. 24 Business,  
Wabash, Indiana 46992

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 18 day of Feb 2015.

  
\_\_\_\_\_  
Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 7670 1235



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 04 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Anoop Balakrishnan  
Environmental Engineer  
Harrison Steel Castings Company  
900 North Mound Street  
Attica, Indiana 47918

Dear Mr. Balakrishnan:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Harrison Steel Castings Company's facility at 900 North Mound Street, Attica, Indiana (you or the facility). EPA has determined that the facility is in violation of the National Emission Standard for Hazardous Air Pollutants for Iron and Steel Foundries, the facility's Title V Permit, and the Indiana State Implementation Plan (SIP). Violations of the National Emission Standard for Hazardous Air Pollutants for Iron and Steel Foundries constitute violations of Section 112 of the Act. Violations of a Title V Permit and the Indiana SIP constitute violations of Section 111 of the Act.

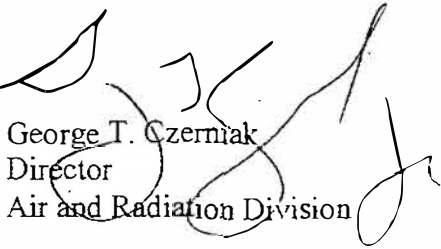
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for the facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

Please contact Alexandra Letuchy, Environmental Engineer, at (312) 886-0557, if you wish to request a conference. You should make the request for a conference within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

cc: Phil Perry, Indiana Department of Environmental Management

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Harrison Steel Castings Company  
Attica, Indiana**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. § 7401 *et seq.*

)  
)  
) **NOTICE AND FINDING OF  
VIOLATION**  
)  
)

**EPA-5-15-IN-03**

**NOTICE AND FINDING OF VIOLATION**

Harrison Steel Castings Company owns and operates a steel foundry at 900 North Mound Street, Attica, Indiana (facility). Operations at the facility include three electric arc furnaces and their associated air pollution control devices.

The U.S. Environmental Protection Agency is sending this Notice and Finding of Violation (NOV/FOV or Notice) to notify the facility that we have found violations of the General Provisions to the National Emission Standard for Hazardous Air Pollutants (NESHAP), the NESHAP for Iron and Steel Foundries (NESHAP for Iron and Steel Foundries), the facility's Title V permit, and regulations in the Indiana State Implementation Plan.

**Clean Air Act**

1. Section 112(b) of the Clean Air Act (CAA), 42 U.S.C. § 7412(b) lists 188 Hazardous Air Pollutants (HAPs) that cause adverse health or environmental effects.

2. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), requires EPA to promulgate regulations establishing emissions standards for each category or subcategory of major and area sources of HAPs that are listed for regulation pursuant to Section 112(c), 42 U.S.C. § 7412(c).

**NESHAP General Provisions**

3. 40 C.F.R. § 63.7(e)(1) states that "[p]erformance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source."

## **NESHAP for Iron and Steel Foundries**

4. Under Section 112(d) of the Act, 42 U.S.C. § 7412(d), EPA promulgated the NESHAP for Iron and Steel Foundries, effective April 22, 2004. See 69 Fed. Reg. 21923. The NESHAP for Iron and Steel Foundries is codified at 40 C.F.R. Part 63, Subpart EEEEE.

5. 40 C.F.R. § 63.7681 provides that the owner or operator of an iron and steel foundry is subject to this subpart if it owns or operates a major source of hazardous air pollutant (HAP) emissions (or is a part of) a major source of HAP and has the potential to emit in excess of 10 tons per year of an individual HAP and 25 tons per year of all HAPs combined.

6. 40 C.F.R. § 63.7682(a) provides that “[t]he affected source is each new or existing iron and steel foundry.”

7. 40 C.F.R. § 63.7682(c) provides that “[a]n affected source is existing if you commenced construction or reconstruction of the affected source before December 23, 2002.”

8. 40 C.F.R. § 63.7683(a) provides that “[e]xcept as specified in paragraph (b) of this section, if you have an existing affected source, you must comply with each emissions limitation, work practice standard, and operation and maintenance requirement in this subpart that applies to you no later than April 23, 2007. Major source status for existing affected sources must be determined no later than April 23, 2007.”

9. 40 C.F.R. § 63.7690(a)(7) provides that “[f]or each building or structure housing any iron and steel foundry emissions source at the iron and steel foundry, you must not discharge any fugitive emission to the atmosphere from foundry operations that exhibit opacity greater than 20 percent (6-minute average), except for one 6-minute average per hour that does not exceed 27 percent opacity.”

10. 40 C.F.R. § 63.7690(a)(4) provides that “[f]or each electric arc metal melting furnace, electric induction metal melting furnace, or scrap preheater at an existing iron and steel foundry, you must not discharge emissions through a conveyance to the atmosphere that exceed either the limit for particulate matter (PM) in paragraph (a)(1)(i) of this section or, alternatively the limit for total metal HAP in paragraph (a)(1)(ii) of this section: (i) 0.005 grains of PM per dry standard cubic foot (gr/dscf), or (ii) 0.0004 gr/dscf of total metal HAP.”

11. 40 C.F.R. § 63.7710(b) provides that “[y]ou must prepare and operate at all times according to a written operation and maintenance plan for each capture and collection system and control device for an emissions source subject to a PM, metal HAP, TEA, or VOHAP emissions limit in § 63.7690(a). [...]”

12. 40 C.F.R. § 63.7731(a) provides that “[y]ou must conduct subsequent performance tests [following an initial performance test] to demonstrate compliance with all applicable PM or total metal HAP [...] emissions limitations in § 63.7690 for your iron and steel foundry no less frequently than every 5 years and each time you elect to change an operating limit or to comply with a different alternative emissions limit, if applicable. [...]”

13. 40 C.F.R. § 63.7736 provides that:

“(a) For each capture system subject to an operating limit in § 63.7690(b), you have demonstrated initial compliance if you have met the conditions in paragraphs (a)(1) and (2) of this section.

(1) You have certified in your notification of compliance status that:

(i) You have submitted the capture system operation and maintenance plan to the Administrator for approval according to the requirements of § 63.7710(b); and

(ii) You will inspect, operate, and maintain each capture system according to the procedures in the plan.

(2) You have certified in your performance test report that the system operated during the test at the operating limits established in your operation and maintenance plan.

(b) For each control device subject to an operating limit in § 63.7690(b), you have demonstrated initial compliance if you have certified in your notification of compliance status that:

(1) You have submitted the control device operation and maintenance plan to the Administrator for approval according to the requirements of § 63.7710(b); and

(2) You will inspect, operate, and maintain each control device according to the procedures in the plan.

(c) For each bag leak detection system, you have demonstrated initial compliance if you have certified in your notification of compliance status that:

(1) You have submitted the bag leak detection system monitoring information to the Administrator within the written O&M plan for approval according to the requirements of § 63.7710(b);

(2) You will inspect, operate, and maintain each bag leak detection system according to the procedures in the plan; and

(3) You will follow the corrective action procedures for bag leak detection system alarms according to the requirements in the plan. [...]”

14. 40 C.F.R. § 63.7740(b) provides that “[f]or each negative pressure baghouse or positive pressure baghouse equipped with a stack that is applied to meet any PM or total metal HAP emissions limitation in this subpart, you must at all times monitor the relative change in PM loadings using a bag leak detection system according to the requirements in § 63.7741(b).”

15. 40 C.F.R. § 63.7750(a) provides that “[y]ou must submit all of the notifications required by §§ 63.6(h)(4) and (5), 63.7(b) and (c); 63.8(e); 63.8(f)(4) and (6); 63.9(b) through (h) that apply to you by the specified dates.”

16. 40 C.F.R. § 63.7750(e) provides that “[i]f you are required to conduct a performance test or other initial compliance demonstration, you must submit a notification of compliance status according to the requirements of § 63.9(h)(2)(ii). For opacity performance tests, the notification of compliance status may be submitted with the semiannual compliance report in § 63.7751(a) and (b) or the semiannual part 70 monitoring report in § 63.7551(d).”

### **Title V Permit**

17. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution. Section 502(d)(1) of the CAA, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program which meets the requirements of Title V. Pursuant to Appendix A of 40 C.F.R. Part 70, on December 4, 2001, EPA granted Indiana final approval of its Title V CAA Permit Program, effective November 30, 2001. 66 Fed. Reg. 62969.

18. 40 C.F.R. § 70.2 defines “major source” as, among other things, any stationary source that directly emits, or has the potential to emit: (i) 10 tons per year or more of any hazardous air pollutant listed pursuant to CAA Section 112(b); (ii) 25 tons or more of any combination of hazardous air pollutants; and/or (iii) 100 tons per year or more of any other air pollutant subject to regulation under the CAA.

19. Indiana’s Title V operating permit program regulations are codified at 326 IAC 2-7, and are federally enforceable pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

20. 40 C.F.R. § 70.6(b)(1) provides that Title V permits are federally enforceable and that all terms and conditions in a Title V permit are enforceable by the EPA.

### **Harrison Steel’s Title V Permits**

21. The Indiana Department of Environmental Management (IDEM) issued a modified Part 70 Operating Permit, No. T045-22716-00002 to the Facility on October 15, 2009. (2009 Title V Permit)

22. IDEM issued a modified Part 70 Operating Permit, No. T045-31297-00002 to the Facility on February 27, 2012. (February 2012 Title V Permit)

23. IDEM issued a modified Part 70 Operating Permit, No. T045-31317-00002 to the Facility on March 15, 2012. (March 2012 Title V Permit)

24. IDEM issued a modified Part 70 Operating Permit, No. T045-32267-00002 to the Facility on February 19, 2013. (2013 Title V Permit)

25. Condition D.1.4 of the 2009 Title V Permit and the February 2012 Title V Permit states that before August 15, 2012, the Permittee shall perform PM and PM10 testing for baghouse DC40 controlling the electric arc furnace EAF4 using methods as approved by the Commissioner, in order to demonstrate compliance with Condition D.1.2. These tests shall be repeated at least once every five (5) years from the date of a valid compliance demonstration. Testing shall be conducted in accordance with Section C - Performance Testing.

26. Condition C.8. of the 2009 Title V Permit and the February 2012 Title V Permit states that all testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures).

27. Condition D.7.3.(a) of the February 2012, March 2012, and 2013 Title V Permit states that at least 99% of all particulate matter (PM and PM10) emissions generated during sand handling, mechanical reclaim, and thermal reclaim operations shall be captured by a baghouse and controlled.

28. Condition D.7.3(b) of the February 2012, March 2012, and 2013 Title V Permit states that at least 96% of all particulate matter (PM and PM10) emissions generated during the shakeout operations shall be captured by a baghouse and controlled.

29. Condition D.10.6(a) of the February 2012, March 2012, and 2013 Title V Permit states that visible emission notations of a thermal sand reclaimer baghouse stack exhaust (stack DC48) shall be performed once per day during normal daylight operations. A trained employee shall record whether emissions are normal or abnormal.

30. Condition D.10.7(a) of the February 2012, March 2012, and 2013 Title V states that the Permittee shall maintain daily records of the visible emission notations of the thermal sand reclaimer exhaust stacks. The Permittee shall include in its daily record when a visible emission notation is not taken and the reason for the lack of a visible emission notation, (e.g. the process did not operate that day).

### **Indiana State Implementation Plan**

31. 326 Indiana Administrative Code (IAC) 3-6 states that the owner or operator of a source or emissions unit shall conduct all emission tests as under conditions of worst case emissions, and if the worst case emission condition is not known, then the worst case emission condition shall be assumed to be the maximum process or operating rate of the emissions unit as listed in the permit's emissions unit description.

### **Factual Background**

32. Harrison Steel Castings Company (Harrison Steel) owns and operates a steel foundry at 900 North Mound Street, Attica, Indiana (the facility). The facility operate three electric arc furnaces (EAF2, EAF3, and E. AF4) and a thermal sand reclaimer.

33. The facility is a major source of HAPs because it has the potential to emit in excess of 10 tons per year of an individual HAP and 25 tons per year of all HAPs combined, thus making it an affected source under the NESHAP for Iron and Steel Foundries.

34. EPA conducted an inspection of the Facility on June 5, 2013.

35. EPA issued to Harrison Steel an information request under Section 114 of the CAA on December 9, 2013. Harrison Steel submitted a response on March 31, 2014.

36. Baghouse DC4 controls emissions from EAF2, Baghouse DC5 controls emissions from EAF3, and Baghouse DC40 controls emissions from EAF4. Baghouses DC42 and DC38 control emissions from the melt shop that include emissions from EAF2, EAF3, and EAF4.

#### NESHAP for Iron and Steel Foundries

##### *Evidence Supporting that Harrison Steel Did Not Demonstrate Compliance with the PM Emission Limit and the Building Opacity Limit by Not Testing Under Representative Conditions*

37. On August 13 – 15, 2007, Air Test Professionals, Inc. conducted an emissions test to determine the particulate matter emission rate, metal emissions, and opacity from EAF2, EAF3, and EAF4 and summarized the results of the test in a report (2007 Performance Test Report). According to the 2007 Performance Test Report, emissions (particulate matter and metals) were not sampled at DC42 and DC38.

38. According to the process data provided in the 2007 Performance Test Report, raw materials were charged to the furnace several minutes prior to each test run; therefore, emissions during charging were not measured during the particulate matter and metals emissions tests or during the opacity observations.

39. On June 25 – 27, 2012, Air Test Professionals, Inc. conducted an emissions test to determine the particulate matter emission rate, metal emissions, and opacity from EAF2, EAF3, and EAF4 and summarized the results of the test in a report (2012 Performance Test Report). According to the 2012 Performance Test Report, emissions (particulate matter and metals) were not sampled at DC42 and DC38.

40. According to the process data provided in the 2012 Performance Test Report, raw materials were charged to the furnace several minutes prior to each test run; therefore, emissions during charging were not measured during the particulate matter and metals emissions tests or during the opacity observations.

##### *Evidence Supporting that Harrison Steel Did Not Prepare an Operation and Maintenance Plan for DC38 and DC42*

41. In response to the information request, Harrison Steel did not provide an operation and maintenance plan for DC38 and DC42.

##### *Evidence Supporting that Harrison Steel Did Not Install Bag Leak Detection System at DC38 and DC42*

42. In response to the information request, Harrison Steel did not provide information indicating that bag leak detection systems have been installed and operated on DC38 and DC42.

*Evidence Supporting that Harrison Steel Provided an Incomplete Notification of Compliance Status*

43. Harrison Steel's Notification of Compliance Status Report, signed April 13, 2005 did not include items required under 40 C.F.R. § 63.7736 related to the operation and maintenance plan and bag leak detection system.

Title V Permit

*Evidence Supporting that Harrison Steel Did Not Achieve the Required Capture and Control Efficiency at Airset Shakeout, Sand Handling, Mechanical Reclaim, and Thermal Reclaimer*

44. The air emission statement certification for 2012, signed June 20, 2013 states the total control efficiencies for PM and PM10 emissions from the following airset molding line emission units:

	PM	PM10
Airset Shakeout	98%	90%
Airset Sand Handling	90%	90%
Airset Mechanical Reclaim	98%	90%
Airset Thermal Reclaimer	98%	98%

*Evidence Supporting that Harrison Steel Did Not Perform Visible Emission Readings at North Thermal Sand Reclaimer (DC48)*

45. Harrison Steel's Visible Emissions – Parametric Monitoring records demonstrate that daily visible emission readings at the thermal sand reclaimer (DC48) were not performed or recorded until May 2013.

*Evidence Supporting that Harrison Steel Did Not Demonstrate Compliance with PM emission limit at EAF4*

46. During the 2007 and 2012 Performance Test, raw materials were charged to EAF4 prior to each run. Emissions during charging were not measured during the particulate matter emissions tests.

Violations

NESHAP for Iron and Steel Foundries

*Failure to Demonstrate Compliance with the PM Emission Limit and Building Opacity Limit by Not Testing Under Representative Conditions*

47. By failing to conduct particulate matter emissions testing at DC42 and DC38, Harrison Steel violated the performance testing requirement at 40 C.F.R. § 63.7731(a) and failed to demonstrate compliance with the emission limit at § 63.7690(b).

48. By failing to conduct particulate matter or metals testing and opacity observations during charging at the EAFs, Harrison Steel failed to conduct a performance test under representative conditions as required by 40 C.F.R. § 63.7(e)(1), demonstrate compliance with the emission limit at § 63.7690(b), and the opacity limit at § 63.7690(a)(7).

*Failure to Prepare Operation and Maintenance Plan for DC38 and DC42*

49. By failing to prepare an operation and maintenance plan for DC38 and DC42, Harrison Steel violated the operation and maintenance requirements at 40 C.F.R. § 63.7710(b).

*Failure to Install Bag Leak Detection System at DC38 and DC42*

50. By failing to install a bag leak detection system at DC38 and DC42, Harrison Steel violated the monitoring requirements at 40 C.F.R. § 63.7740(b).

*Incomplete Notification of Compliance Status*

51. By failing to submit a complete Notification of Compliance Status, Harrison Steel violated the requirements to demonstrate initial compliance with operation and maintenance at 40 C.F.R. § 63.7736.

Title V Permit

*Failure to Achieve Capture and Control Efficiency at Airset Shakeout, Sand Handling, Mechanical Reclaim, and Thermal Reclaimer*

52. By failing to maintain 99% capture and control of all particulate matter emissions generated during airset sand handling, mechanical reclaim, and thermal reclaim operations, Harrison Steel violated Conditions D.7.3(a) of the February 2012, March 2012, and 2013 Title V.

53. By failing to maintain 99% capture and control of all particulate matter emissions generated during airset sand shakeout operations, Harrison Steel violated Conditions D.7.3(b) of the February 2012, March 2012, and 2013 Title V.

*Failure to Perform Visible Emission Readings at North Thermal Sand Reclaimer (DC48)*

54. By failing to perform daily visible emission readings at the North Thermal Sand Reclaimer, Harrison Steel violated monitoring requirements at Condition D.10.6(a) and recordkeeping requirements at Condition D.10.7(a) of the February 2012, March 2012, and 2013 Title V.

*Failure to Demonstrate Compliance with PM Emission Limit at EAF4*

55. By failing to conduct particulate matter (PM/PM10) emissions testing during charging at the EAF4, Harrison Steel failed to conduct a performance test under conditions of worst case emissions as required by D.1.4 (by reference, 326 IAC 3-6-3 Section 3.(b)(1)(B)) and failed to demonstrate compliance with the emission limits at D.1.2.(a) - (b) of the 2009 Title V Permit.

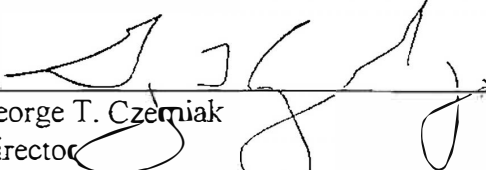
#### **Environmental Impact of Violations**

56. These violations have caused or can cause excess emissions of PM. PM, especially fine particulates contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. PM exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

Date

3/4/15

  
George T. Czerniak  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-15-IN-03, by Certified Mail, Return Receipt Requested, to:

Anoop Balakrishnan  
Environmental Engineer  
Harrison Steel Castings Company  
900 North Mound Street  
Attica, Indiana 47918

I also certify that I sent a copy of the Notice and Finding of Violation by first-class mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 5<sup>th</sup> day of March 2015.

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 6219

Loretta Shaffer  
Loretta Shaffer, Program Technician  
AECAB, PAS

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Steel Dynamics, Inc.  
4500 County Road 59  
Butler, Indiana 46721**

**ATTENTION:**

**Barry A. Smith  
Environmental Engineer**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Steel Dynamics, Inc. (SDI or you) to submit certain information about the Flat Roll Division at 4500 County Road 59, Butler, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule outlined in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

SDI owns and operates an emission source at the Flat Roll Division of the Butler, Indiana facility. We are requesting this information to determine whether your emission source is complying with the Indiana State Implementation Plan and the Clean Air Act.

SDI must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

SDI must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.


We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject SDI to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Dakota Prentice at (312) 886-6761 or [prentice.dakota@epa.gov](mailto:prentice.dakota@epa.gov).

Date

3/4/15

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## **Appendix B**

### **Information You Are Required to Submit to EPA**

Pursuant to Section 114(a) of the Clean Air Act, 42 U.S.C. § 7414(a), Steel Dynamics, Inc. (SDI) must submit an emission test plan, conduct emission testing and submit all other information requested in accordance with the schedule specified below for its Flat Roll Division located at 4500 County Road 59 in Butler, Indiana.

1. SDI must submit an emission test plan, conduct emission testing, and submit all other information requested within the schedules provided below for the facility. The emission testing and analysis shall be performed by a qualified outside testing firm and in accordance with a testing protocol reviewed by EPA. Specifically, SDI must:
  - a. Within 65 days of the receipt of this request, perform the following emission testing at EAF #1 South and EAF #2 North: quantify the emissions of nitrogen oxides (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) in pounds per ton of steel produced and pounds per hour.
  - b. During the testing conducted pursuant to Item 1.a, operate EAF #1 South and EAF #2 North at 95% of maximum production rates. Document how maximum production should be determined;
  - c. Within 30 days after receipt of this request, submit to EPA and Indiana Department of Environmental Management (IDEM) the proposed testing protocol that completely describes the methods and procedures for testing. SDI shall conduct the testing under a protocol reviewed in advance by EPA. The protocol shall address the requirements of Items 1.a and 1.b of this information request. SDI shall make all changes to the test protocol requested by EPA;
  - d. At least 21 days prior to the planned test(s), submit notification to EPA and IDEM of the intent to perform emission testing;
  - e. Within 30 days after completion of those tests, submit a complete report of the emissions testing on its facility, including the following, at a minimum:
    - i. Summary of Results
      - A. Results of the above specified emission tests;
      - B. Process and control equipment data related to determining compliance;
      - C. Discussion of test errors;
      - D. Discussion of any deviations from the reference test methods; and
      - E. Production data.
    - ii. Facility Operations

- A. Description of the process and control equipment in operation;
- B. Operating parameters of the baghouse and related equipment at the time of the test; and
- C. Facility operating parameters that demonstrate that the facility was being operated at 95% of maximum production rates.

iii. Sampling and Analytical Procedures

- A. Sampling port location(s) and dimensions of cross-section;
- B. Sampling point description, including labeling system;
- C. Brief description of sampling procedures, including equipment and diagram;
- D. Description of sampling procedures (planned and accidental) that deviated from any standard method;
- E. Brief description of analytical procedures, including calibration;
- F. Description of analytical procedures (planned or accidental) that deviated from any standard method; and
- G. Quality control/quality assurance procedures, tests and results.

iv. Appendix

- A. Complete results with example calculations;
- B. Raw field data (original, not computer printouts);
- C. Laboratory report, with signed chain-of-custody forms;
- D. Calibration procedures and results;
- E. Raw process and control equipment data, signed by plant representative;
- F. Test log;
- G. Project participants and titles; and
- H. Related correspondence

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

I, Kathy Jones, certify that I sent a Request to Provide

Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Barry A. Smith, Environmental Engineer  
Steel Dynamics, Inc.  
4500 County Road 59  
Butler, Indiana 46721

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 5<sup>th</sup> day of March 2015.

Kathy Jones  
Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 8000 2640 6158

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Carb-Rite Company  
23810 Highland Street  
Schneider, Indiana 46376**

**ATTENTION:**

**Environmental Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Carb-Rite Company (Carb-Rite or you) to submit certain information about the facility at 23810 Highland Street, Schneider, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Carb-Rite owns and operates an emission source at the Schneider, Indiana facility. We are requesting this information to determine whether your emission source is complying with the CAA and Indiana State Implementation Plan.

Carb-Rite must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

And by electronic mail to [prentice.dakota@epa.gov](mailto:prentice.dakota@epa.gov) and [cantello.nicole@epa.gov](mailto:cantello.nicole@epa.gov)

Carb-Rite must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks to collect information from specific individuals or entities as part of a discrete administrative action or investigation against Carb-Rite's Schneider, Indiana, facility.

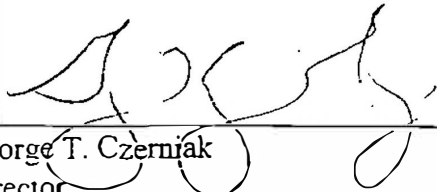
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Gopher to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Dakota Prentice at (312) 886-6761 or [prentice.dakota@epa.gov](mailto:prentice.dakota@epa.gov).

Date

3/4/15

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## Appendix B

### Information You Are Required to Submit to EPA

Carb-Rite must submit the following requested for its facility located at 23810 Highland Street, Schneider, Indiana (the Facility), pursuant to Section 114(a) of the Clean Air Act (CAA), 42 U.S.C. Section 7414(a). This information must be submitted within thirty (30) calendar days from receipt of this request unless otherwise noted.

1. Within 10 days of receipt of this Request, Carb-Rite shall submit a written certification of its intent to comply with this Request. The certification must be sent to: [prentice.dakota@epa.gov](mailto:prentice.dakota@epa.gov), [cantello.nicole@epa.gov](mailto:cantello.nicole@epa.gov), and [R5enforcement@epa.gov](mailto:R5enforcement@epa.gov).

### General Facility Operations

2. Provide a copy of each current air permit issued to Carb-Rite by the Indiana Department of Environmental Management (IDEM).
3. Provide a copy of all permit applications submitted to IDEM since March 2010.
4. Provide copies of all annual emissions reports submitted to IDEM for 2010 to the present. Provide a narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used, and any documents outlining procedures for calculating annual emissions.
5. Provide copies of any deviation or excess emission reports submitted to IDEM since March 2010.
6. Provide copies of all quarterly and semi-annual reports submitted to IDEM since March 2010.
7. Provide a list and copies of each emissions test conducted at the facility for any reason, from March 2005 to the present. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack tests:
  - a. **List:** Identify the emissions unit, the date of the test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with the state permitting agency.
  - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.

8. Provide copies of all visible emissions readings performed at the facility using EPA Method 9 or Method 22 from March 2010 to the present (excluding any readings provided with the reports included with Item 7, above).
9. Provide the steps taken responsive to abnormal emissions observed in Method 9 or Method 22 readings from March 2010 to the present.
10. Provide all fugitive dust control plans used at the Facility since March 1, 2010.
11. Provide a copy of all records maintained pursuant to Conditions D.1.12(b) and D.2.6(a) of the facility's Federally Enforceable State Operating Permit, issued on February 27, 2008, from March 2010 to the present.
12. Provide all Preventative Maintenance Plans used at the Facility since March 1, 2010.
13. For each process or line at the facility associated with production, provide the following:
  - a. An overall process diagram;
  - b. A description of the process and the design capacity of each line;
  - c. A description of the equipment used in the process, including dates of installation and startup;
  - d. The design capacity of the equipment used in each line; and
  - e. A description of emission control equipment used, if any, and design specifications.
14. Provide the following information for each baghouse at the facility, from March 2010 to the present:
  - a. A list of all emissions units connected to the baghouse and a detailed explanation of how emissions are routed to it, including a description of any capture mechanism.
  - b. All records of the differential pressure readings taken at each baghouse in an Excel Workbook or other compatible format, including the date and time of the readings;
  - c. All inspection, maintenance, and repair logs;
  - d. Any excess opacity or opacity deviation reports, including during periods of start-up, shut-down and malfunction;
  - e. Provide the operating limits for the differential pressure across each baghouse, the method used to establish the values, and the effective date of these operating limits;

- f. For each differential pressure reading outside of the operating limits, provide the response steps taken correct the excursion; and
  - g. In an Excel Workbook or other compatible format, list periods when an emission unit was in operation, but the associated baghouse was down.
- 15. Provide the following information for each cyclone at the facility, from March 2010 to the present:
  - a. A list of all emissions units connected to the cyclone and a detailed explanation of how emissions are routed to it, including a description of any capture mechanism.
  - b. All records of the differential pressure readings taken at each cyclone in an Excel Workbook or other compatible format, including the date and time of the readings;
  - c. All inspection, maintenance, and repair logs;
  - d. Any excess opacity or opacity deviation reports, including during periods of start-up, shut-down and malfunction;
  - e. Provide the operating limits for the differential pressure across each baghouse, the method used to establish the values, and the effective date of these operating limits;
  - f. For each differential pressure reading outside of the operating limits, provide the response steps taken correct the excursion; and
  - g. In an Excel Workbook or other compatible format, list periods when an emission unit was in operation, but the associated cyclone was down.
- 16. Provide a diagram of all material storage locations at the facility. Include the type of material stored at each location.
- 17. Provide the monthly and annual throughput (in tons) for all emission sources located at the Facility for each material handled since March 1, 2010.
- 18. Provide a list of all sources of petcoke received at the Facility since March 1, 2010. For each source, provide the amount of petcoke received on a monthly basis.
- 19. Provide a list of all companies and offsite facilities receiving petcoke from the Facility since March 1, 2010. For each offsite facility receiving petcoke, provide the amount of material received on a monthly basis.

### **PM<sub>10</sub> Monitors and Siting**

20. Within 30 days of receipt of this information request, Carb-Rite shall submit proposed monitoring site locations for EPA review and approval prior to establishing the monitoring sites.
21. Within 30 days of receipt of this request, Carb-Rite shall submit to EPA a map showing the property lines of the Facility, the locations of nearby residences and industrial properties, and proposed locations of the monitoring sites.
22. Within 30 days of EPA approval of the monitoring site locations specified in Item 20, Carb-Rite shall install, operate, and maintain three ambient monitoring sites at the Facility. Each site shall contain a continuous Federal Equivalent Method (FEM) real-time PM<sub>10</sub> monitor. One of the monitoring sites shall also contain a Federal Reference Method (FRM) PM<sub>10</sub> filter-based monitor operating every third day.
23. The monitoring sites and monitoring equipment shall conform with the following requirements:
  - a. The PM<sub>10</sub> real-time and filter-based instruments shall meet the specifications of FRM/FEM monitors on this list;  
[www.epa.gov/ttn/amtic/files/ambient/criteria/reference-equivalent-methods-list.pdf](http://www.epa.gov/ttn/amtic/files/ambient/criteria/reference-equivalent-methods-list.pdf);
  - b. Carb-Rite shall follow all monitoring, siting, and quality assurance criteria in 40 CFR Part 58, Appendix E;
  - c. PM<sub>10</sub> concentrations from filter-based sampling shall be determined according to 40 CFR 50, Appendix J to Part 50 – “Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere”;
  - d. All data collected shall be consistent with units in the National Ambient Air Quality Standards for PM<sub>10</sub>; and,
  - e. A data logger shall be attached to the monitors to record readings from the continuous monitors.
24. Carb-Rite shall also follow the operating procedures identified in the “Quality Assurance Handbook for Air Pollution Measurement Systems” (located at <http://www.epa.gov/ttn/amtic/qabook.html>), 40 CFR Part 58, Appendix A, and any specified procedures in the manufacturer’s maintenance manual for the units used to monitor PM<sub>10</sub>.
25. Carb-Rite shall be responsible for all operation and maintenance associated with the PM<sub>10</sub> monitors. Maintenance shall include, at a minimum, the replacement of any equipment and cleaning on a schedule specified in the manufacturer’s maintenance manual.
26. Carb-Rite shall order and pay for any necessary replacement parts, accessories, maintenance, etc.
27. Carb-Rite shall properly change the PM<sub>10</sub> filters in all sampling devices.

28. Carb-Rite shall archive all filters from the PM<sub>10</sub> filter-based instruments for at least two years.
29. Monitoring shall take place for at least one year from the date of installation.

#### **Wind Speed and Direction Monitoring**

30. Carb-Rite shall install, operate, and maintain a meteorological tower at a location representative of local wind conditions within 30 days of approval of the PM<sub>10</sub> monitoring locations. At a minimum, the meteorological tower must continuously measure and record wind speed and wind direction at one-hour intervals throughout the entire ambient monitoring period. Carb-Rite shall correlate 1-hr and 24-hr ambient PM<sub>10</sub> measurements with wind speed and wind direction data to determine source direction and the effects of wind speed on PM<sub>10</sub> concentrations. The meteorological tower must also include calibrated ambient temperature and pressure instrumentation for purposes of determining corrected (actual) PM<sub>10</sub> concentrations as recorded by the monitors.
31. With respect to the meteorological monitoring site, Carb-Rite shall follow the Quality Assurance Handbook for Air Pollution Measurement Systems Volume IV: Meteorological Measurements Version 2.0 (Final) found at:  
[http://www.epa.gov/ttnamti1/files/ambient/met/Volume%20IV\\_Meteorological\\_Measurements.pdf](http://www.epa.gov/ttnamti1/files/ambient/met/Volume%20IV_Meteorological_Measurements.pdf)
32. The internal clocks of all PM<sub>10</sub> analyzers, data loggers, and the wind speed and wind direction data logger shall be synchronized to within 60 seconds of each other (local time and not adjusted for Daylight Savings Time) and shall be checked against a calibrated reference clock at least once every 30 days. Instrument clocks that are more or less than 60 seconds from the reference clock shall be reset to within 60 seconds of the reference clock. Each of these inconsistencies and each reset time shall be noted in the study log.
33. Continuous PM<sub>10</sub> data collected during wind speeds of less than 0.5 meters per second shall be segregated from other wind data for purposes of wind speed and wind direction correlations.
34. Carb-Rite shall be responsible for maintenance associated with the meteorological tower on a schedule specified in the manufacturer's maintenance manual. Carb-Rite shall order and pay for any necessary replacement parts, accessories, maintenance, etc.

#### **General Requirements Applicable to All Requests**

35. Within 30 days of EPA approval of the monitoring sites, Carb-Rite shall submit a Quality Assurance Project Plan (QAPP) to EPA. The guidance document for writing a QAPP is "EPA Guidance for Quality Assurance Project Plans," EPA QA/G-5, EPA/600/R-02/009 - December 2002. The guidance is available at <http://www.epa.gov/QUALITY/qs-docs/g5-final.pdf>. Any measures identified by this information request should be incorporated into the QAPP.

36. Carb-Rite shall provide EPA and/or IEPA access to the monitoring sites and respond to any inquiries regarding monitor siting, operations, or maintenance. In the event that an inspector or auditor identifies problems, Carb-Rite shall take appropriate corrective actions. Any changes made to monitor siting, operations, or maintenance shall be approved by EPA prior to the change.
37. Carb-Rite shall keep a daily log and monthly reports of the following information associated with the PM<sub>10</sub> monitors:
- a. Each site visit and operator activities;
  - b. any monitoring system downtime (date, time, duration, and reason) along with any corrective actions taken; and
  - c. any calibration data provided by the manufacturer or performed by Carb-Rite.
38. Hourly data from each monitor and meteorological monitoring site, and 24-hour data from gravimetric monitors shall be downloaded as ASCII comma-delimited files and provided to EPA on CD every month. The files should have a single "header" row, with all following rows being individual records, and all columns being a single variable according to the header row. All filter analysis data, including any specification data shall also be provided.
39. Monthly reports specified in paragraph 30 above shall be submitted to EPA and IEPA. After the monitors have been in operation for 12 months, Carb-Rite may apply to EPA to cease the submission of monthly reports. Each report is due within 10 days of the end of the month being reported. At the end of the one year time frame, EPA will re-evaluate and adjust, if necessary, the Section 114(a) request. Carb-Rite shall submit these monthly reports to:
- Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604
40. Carb-Rite shall also submit electronic copies to [prentice.dakota@epa.gov](mailto:prentice.dakota@epa.gov) and [Cantello.nicole@epa.gov](mailto:Cantello.nicole@epa.gov).

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

#### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Request to Provide

Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Environmental Manager  
Carb-Rite Company  
23810 Highland Street  
Schneider, Indiana 46376

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental  
Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 5 day of March 2015.

Kathy Jones

Loretta Shaffer, Program Technician  
AECAB, Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 6226

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**BP Products North America, Inc.  
2815 Indianapolis Boulevard  
Whiting, Indiana 46394**

**ATTENTION:**

**Mitch Beekman  
Health, Safety, Security, and Environmental Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring BP Products North America, Inc. (BP or you) to submit certain information about the facility at 2815 Indianapolis Boulevard, Whiting, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule provided in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information and monitoring. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

BP owns and operates an emission source at the Whiting, Indiana facility. We are requesting this information to determine whether your emission source is complying with the CAA.

BP must send all required information to: smith.molly@epa.gov,  
cantello.nicole@epa.gov, and R5enforcement@epa.gov.

BP must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

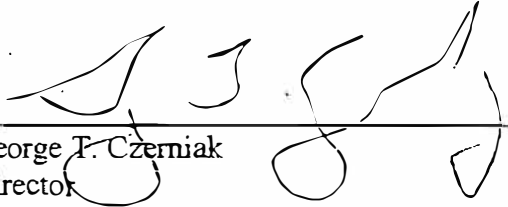
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from BP, a specific entity as part of a discrete administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject BP to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Molly Smith at (312) 353-8773.

3/13/15  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image

format. If Excel format are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, and the Wisconsin State Implementation Plan.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## **Appendix B**

### **Information You Are Required to Submit to EPA**

BP Products North America, Inc. (BP), located at 2815 Indianapolis Boulevard, Whiting, Indiana, must submit the following information within 10 days from receipt of this request, pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a). The response to the request must be sent to [smith.molly@epa.gov](mailto:smith.molly@epa.gov), [cantello.nicole@epa.gov](mailto:cantello.nicole@epa.gov), and [R5enforcement@epa.gov](mailto:R5enforcement@epa.gov).

1. Provide a list of all facilities where BP plans to send/deliver/store petroleum coke produced at the refinery from March 2015 through March 2017. The response must include the following:
  - a. The name of the facility;
  - b. The address of the facility;
  - c. The quantity sent/delivered/stored (tons per month);
  - d. The proposed start time (month and year) for petroleum coke delivery/storage at the facility; and
  - e. The proposed stop time (month and year) for petroleum coke delivery/storage at the facility, if applicable.

If a determination regarding the delivery/storage of a portion of the refinery's petroleum coke has not been made for the entire time period of March 2015 through March 2017, note the dates (month and year) for which a determination has been made and the quantities included in that determination as well as the start/stop time and location information as required above. For the time period for which a determination has not been made, provide a date by when a decision regarding the disposition of the remainder of the petroleum will be determined.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

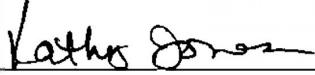
Mitch Beekman  
Health, Safety, Security, and Environmental Manager  
BP Products North America, Inc.  
2815 Indianapolis Boulevard  
Whiting, Indiana 46394

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Linda Wilson  
Environmental Manager  
BP Products North America, Inc.  
2815 Indianapolis Boulevard  
Whiting, Indiana 46394

Ray Pilapil, Manager  
Compliance Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276

On the 16<sup>th</sup> day of March 2015.

  
for Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 6349



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 27 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bert Passalacqua  
Maintenance and Environmental Engineer  
NLMK Indiana  
6500 South Boundary Road  
Portage, Indiana 46368

Re: Notice and Finding of Violation  
NLMK Indiana  
Portage, Indiana

Dear Mr. Passalacqua:

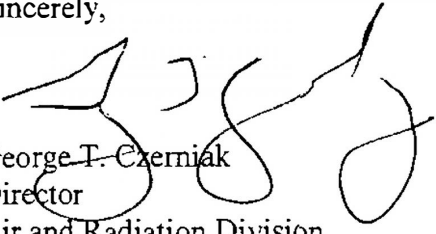
The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to NLMK Indiana (you) under Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (3). We find that you have violated the requirements of the Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 ("NSPS AAa"), set forth at 40 C.F.R. § 60.270a *et seq.*, and the requirements of your Title V permit at your Portage, Indiana facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date. Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contacts in this matter are Reza Bagherian and Patrick Miller. You may call them at (312) 886-0674 and (312) 886-4044, respectively, to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry  
Chief, Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 North Avenue ICGN 1003  
Indianapolis, Indiana 46204

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**NLMK Indiana  
Portage, Indiana**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. § 7401 *et seq.*

)  
)  
) **NOTICE OF VIOLATION and  
FINDING OF VIOLATION**  
)  
)

) **EPA-5-15-IN-06**  
)  
)  
)

**NOTICE AND FINDING OF VIOLATION**

NLMK Indiana (you or NLMK) owns and operates a specialty steel-producing facility located at 6500 South Boundary Road, Portage, Indiana (facility). According to NLMK's Title V operating permit, it operates, among other things, an electric arc furnace (EAF), identified as EAF #7, and an EAF shop, which is the building that houses EAF #7 at the facility.

The U.S. Environmental Protection Agency is sending this Notice and Finding of Violation (NOV/FOV or Notice) to notify you that you have violated the visible emissions limits at your facility's EAF shop specified in your Title V permit and the Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 ("NSPS AAa"), set forth at 40 C.F.R. § 60.270a *et seq.* Additionally, you have violated the monitoring and recordkeeping requirements pertaining to visible emissions from the EAF shop. Violations of the opacity emissions limit, monitoring and recordkeeping requirements constitute violations of the Clean Air Act (the Act or CAA).

**STATUTORY AND REGULATORY BACKGROUND**

1. Under Section 111 of the Act, 42 U.S.C. § 7411, the Administrator promulgated the New Source Performance Standards ("NSPS") General Provisions, at 40 C.F.R. Part 60, Subpart A, and the Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 (NSPS AAa), set forth at 40 C.F.R. § 60.270a *et seq.* NSPS AAa applies to each EAF constructed, modified or reconstructed after August 17, 1983.
2. 40 C.F.R. § 60.273a(d) provides, among other things, that a furnace static pressure monitoring device is not required on any EAF equipped with a direct-shell evacuation control system ("DEC") if observations of shop opacity are performed by a certified visible emission observer at least once per day when the furnace is operating in the meltdown and refining period in accordance with 40 C.F.R. Part 60, Appendix A, Method 9 (Method 9).

3. 40 C.F.R Part 60, Appendix A, Method 9, requires the recording of certain information in documenting visible emission observations that includes a description of the process equipment and type of facility that emits the plume or emissions to be read, the type(s) of control equipment being used in the system after the process equipment in question, a description of the emissions including the physical characteristics and behavior of the plume, the color of emissions and other specific information.
4. 40 C.F.R. § 60.11(d) provides, among other things, that at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
5. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the CAA, or any rule promulgated, issued, or approved under Title V of the CAA.
6. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any Title V permit program approved by EPA, no source subject to Title V may operate except in compliance with a Title V permit.
7. EPA granted full approval to the Indiana Title V operating permit program on December 4, 2001. 66 Fed. Reg. 629469.
8. The regulation at 40 C.F.R. § 70.6(b)(1) specifies that all terms and conditions in a permit issued under a Part 70 program, including any provisions designed to limit a source's potential to emit, are enforceable by EPA under the Act.
9. The Indiana Department of Environmental Management (IDEM) issued Title V Operating Permit No. T127-27948-00036 to NLMK for the facility, ID No. 127-00036, on October 2, 2009. IDEM approved an administrative amendment to the Title V operating permit on September 21, 2011.
10. Condition D.1.1(a) of NLMK's Title V operating permit states, among other things, that direct shell evacuation control system and canopy hoods shall be ducted to the melt shop baghouse rated at least 1.0 million actual cubic feet per minute, demonstrating 100% capture efficiency.
11. Condition D.1.7(a) of NLMK's Title V operating permit states that the permittee shall not cause to be discharged into the atmosphere visible emissions from any building opening as a result of EAF operation that exceed 3 percent opacity as a six-minute average.

12. Condition D.1.13(d)(2) states that shop opacity shall be determined as the arithmetic average of 24 consecutive 15-second opacity observations of emissions from the shop taken in accordance with Method 9.
13. Condition E.1.2(f) of NLMK's Title V operating permit states that the permittee shall comply with the provisions of 40 C.F.R. § 60.273a(d); the permittee shall, among other things, conduct visible emission observations of shop opacity at least once per day in accordance with Method 9.

### **EXPLANATION OF VIOLATIONS**

14. On January 21, 2015, EPA representatives inspected the NLMK facility located in Portage, Indiana, and collected NLMK's Title V permit quarterly deviation and compliance monitoring reports and the daily Method 9 visible emissions observations at the EAF shop conducted by NLMK representatives.
15. Based on NLMK's Title V permit quarterly deviation and compliance monitoring reports and EPA's review of the collected daily Method 9 visible emissions observations measured at the EAF shop, the following exceedances of the visible emissions limits were recorded at the facility:

<b>Date</b>	<b>Six-Minute Average Percent Opacity</b>
11/12/2014	3.9
11/17/2014	5

16. NLMK's excess visible emissions from the EAF shop are violations of the 3 percent opacity limit in Condition D.1.7(a) of its Title V permit.
17. Based on EPA's review of the daily Method 9 visible emissions observations measured at the EAF shop, NLMK failed to determine EAF shop opacity during the period between June 1, 2014 and September 25, 2014 in accordance with Method 9 by not recording all required information.
18. NLMK's failure to determine EAF shop opacity in accordance with Method 9 requirements is a violation of its Title V permit Conditions D.1.13(d)(2) and E.1.2(f) and 40 C.F.R. § 60.273a(d).
19. On May 13, 2014, EPA representatives witnessed uncaptured particulate emissions from the EAF make their way to the East Bay of the EAF shop and via the roof monitor to the environment.
20. On January 21, 2015, NLMK representatives confirmed that normal operations continue to result in particulate emissions from the EAF making their way to the East Bay of the EAF shop.

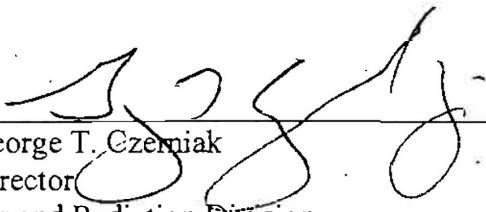
21. The failure of the EAF control system, including direct shell evacuation control system and canopy hoods that are ducted to the EAF shop baghouse, to capture 100% of the particulate emissions from the EAF is a violation of Condition D.1.1(a) of NLMK's Title V permit and 40 C.F.R. § 60.11(d).

#### **ENVIRONMENTAL IMPACT OF VIOLATIONS**

22. Violation of the opacity standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

Date

3/27/15

  
George T. Czerniak  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

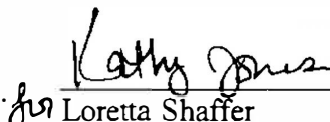
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-15-IN-06, by Certified Mail, Return Receipt Requested, to:

Bert Passalacqua  
Maintenance and Environmental Engineer  
NLMK Indiana  
6500 South Boundary Road  
Portage, Indiana 46368

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Phil Perry  
Chief, Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 North Senate Avenue ICGN 1003  
Indianapolis, Indiana 46204

On the 30<sup>th</sup> day of March 2015.

  
for Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 5241



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 31 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Chuck Long  
Operations Manager  
Consolidated Grain and Barge Company  
5130 Port Road  
Jeffersonville, Indiana 47130

Dear Mr. Long:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Consolidated Grain and Barge Company (you or CGB) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you violated the Indiana State Implementation Plan at its Jeffersonville, Indiana facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil action.

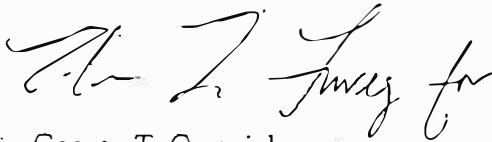
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Katharina Bellairs. You may call her at (312) 353-1669 if you wish to request a conference. CGB should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

EPA hopes that this NOV will encourage CGB's compliance with the requirements of the Clean Air Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. T. Czerniak".

George T. Czerniak  
Director  
Air and Radiation Division

cc: Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management

Enclosures: Notice of Violation EPA-5-15-IN-04

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Consolidated Grain and Barge Company**

**Jeffersonville, Indiana**

Proceedings Pursuant to  
Section 113(a)(1) and (3) of the  
Clean Air Act, 42 U.S.C.  
§ 7413(a)(1) and (3)

)  
)  
) **NOTICE AND FINDING OF  
VIOLATION**

) **EPA-5-15-IN-04**  
)  
)  
)

**NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency issues this Notice of Violation (NOV) to Consolidated Grain and Barge Company (CGB) to notify it of violations of the Clean Air Act, 42 U.S.C. §§ 7401-7671q (the Act), and the Indiana State Implementation Plan (SIP) at its grain elevator facility located at 5130 Port Road, Jeffersonville, Indiana. Specifically, EPA finds that CGB has exceeded, since at least December 2013, the federally enforceable 12-month rolling total throughput limitations in its Construction Permit as incorporated into the Federally Enforceable Permit to Operate (FESOP) for its grain dryer and its barge loadout operations. The relevant statutory and regulatory background, factual background, notice of violations, and environmental impact of these violations are set forth in detail below.

EPA issues this NOV pursuant to Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), which authorizes the Administrator of EPA (Administrator) to take certain enforcement actions after notifying a person that it is in violation of the Act. The authority to issue this NOV has been delegated by the Administrator to the Regional Administrator of EPA, Region 5, and re-delegated to EPA's Director of the Air and Radiation Division for Region 5.

**STATUTORY AND REGULATORY BACKGROUND**

**Clean Air Act**

1. The Act is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. *See* Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

### **Indiana Federally Enforceable State Operating Permit Requirements**

2. Title V of the Act, 42 U.S.C. §§ 7661-7661f, and its implementing regulations at 40 C.F.R. Part 70, establish an operating permit program for certain sources, including "major sources" of air pollution. The purpose of Title V is to ensure that all applicable requirements, including PSD requirements, are included in the Title V operating permit for the source.
3. A "major source" is defined in part, as any stationary source that emits, or has the potential to emit, 100 tons per year (tpy) of any regulated pollutant. See Section 501(2)(B) of the Act, 42 U.S.C. § 7661, 40 C.F.R. § 70.2, and the Indiana SIP at 326 IAC 2-7-1(22).
4. A "major source" is required to have a Part 70 operating permit. See 40 C.F.R. § 70.3, and the Indiana SIP at 326 IAC 2-7-2(a).
5. No source subject to Part 70 requirements may operate after the time that it is required to submit a timely and complete application except in compliance with a duly issued Part 70 permit. See 40 C.F.R. § 70.7(b), and the Indiana SIP at 326 IAC 2-7-3.
6. On June 28, 1989, EPA issued guidance on FESOPs establishing federally enforceable limits in facilities' permits. See 54 *Fed. Reg.* 27274. Pursuant to EPA's FESOP guidance, approved state FESOP programs could allow a "major source" to legally avoid obtaining a Part 70 permit by applying for the issuance of a FESOP which limits its potential to emit below the applicability standard of Part 70.
7. On August 18, 1995, EPA approved Indiana's FESOP Program as part of the federally enforceable Indiana SIP. See 60 *Fed. Reg.* 43008. Indiana's FESOP Program is codified at IAC 326 2-8-1 through 2-8-17, and set forth in the Indiana SIP at 326 IAC 2-8-1 through 2-8-17.
8. Indiana's FESOP Program is a mechanism for establishing FESOPs to create federally enforceable limitations on a facility's potential to emit certain regulated pollutants. See 60 *Fed. Reg.* 43008, and the Indiana SIP at 326 IAC 2-8-1 through 2-8-17.
9. All terms and conditions in a FESOP, including any provisions designed to limit a source's potential to emit, are enforceable under the Act by EPA and citizens. See the Indiana SIP at 326 IAC 2-8-6(b).

### **Enforcement Authority**

10. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), provides that at any time after the expiration of 30 days following the date of the issuance of a Notice of Violation, the Administrator may, without regard to the period of violation, issue an order requiring compliance with the requirements of the applicable SIP, issue an administrative penalty order pursuant to Section 113(d), or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

11. Pursuant to 40 C.F.R. § 52.23, any person failing to comply with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the SIP, is a violation of the SIP and subject to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

## **FACTUAL BACKGROUND**

### **CGB's Facility**

12. CGB is a subsidiary of CGB Enterprises, Inc., a corporation headquartered in New Orleans, Louisiana.
13. CGB is a "person," as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
14. At all times relevant to this Notice, CGB owned and operated a grain elevator located at 5130 Port Road, Jeffersonville, Indiana (Facility).
15. The Facility is located in Jeffersonville Township in Clark County, Indiana, thus making the Facility a source listed in the Indiana SIP at 326 IAC 5-1 [Ind. Admin. Code tit. 326, r. 5-1-1(c)].
16. From 2005 to present, Clark County was designated as a non-attainment area for the 1997 PM<sub>2.5</sub> standard. *See* 76 *Fed. Reg.* 12860 (March 9, 2011) and 40 C.F.R. § 81.336.
17. The Facility has the potential to emit more than 250 tons per year (tpy) of PM.
18. The Facility is a "major emitting facility" within the meaning of Section 169(1) of the CAA, 42 U.S.C. § 7479(1), and is a "major stationary source" within the meaning of 40 C.F.R. § 52.21(b)(1)(i)(a).
19. On August 30, 2012, IDEM issued FESOP No. F019-21478-00001 (CGB's FESOP) to CGB for the Facility.
20. On August 30, 2012, IDEM issued the sixth administrative amendment, FESOP No. 019-31938-00001, to CGB's FESOP.
21. Pursuant to IAC 2-8-4 and in order to render the PSD requirements of 326 IAC 2-2 not applicable to the Facility, Section D.1.1(b) of CGB's FESOP requires that CGB comply with 12-month throughput limits on the total throughput of grain, grain by-products, and gluten (collectively "Grain Throughput") processed by specified processes at the Facility (the 12-month Rolling Throughput Limits).
22. The 12-month Rolling Throughput Limit for the grain dryer at the Facility is 116,000 tpy. *See* Section D.1.1(b) of CGB's FESOP.

23. The 12-month Rolling Throughput Limit for the barge loadout at the Facility is 1,160,000 tpy. See Section D.1.1(b) of CGB's FESOP.
24. CGB's compliance with the 12-month Rolling Throughput Limits set forth in Section D.1.1(b) of CGB's FESOP is determined at the end of each month based on the prior twelve consecutive month time period.
25. On January 31, 2013, April 9, 2014, July 7, 2014, and October 7, 2014, CGB submitted FESOP Certification quarterly reports to IDEM (FESOP Certification Quarterly Reports), as required by CGB's FESOP.
26. The FESOP Certification Quarterly Reports showed that CGB's 12-month rolling total Grain Throughput at its grain dryer for each month from December 2013 to September 2014 was the amounts set forth in Table 1 below.
27. The FESOP Certification Quarterly Reports showed that CGB's 12-month rolling total Grain Throughput at its barge loadout operation for each month from December 2013 to September 2014 was the amounts set forth in Table 1 below.

<b>Table 1</b>	<b>Dryer</b>	<b>Barge Loadout</b>
Month/Year	12-Month Rolling Total Throughput	12-Month Rolling Total Throughput
Dec-13	145,073	578,911
Jan-14	161,663	829,969
Feb-14	160,465	877,953
Mar-14	160,465	1,013,062
Apr-14	160,465	1,126,770
May-14	160,465	1,170,468
Jun-14	161,766	1,207,734
Jul-14	164,314	1,264,997
Aug-14	163,560	1,321,814
Sep-14	163,146	1,327,452
12-Month Rolling Throughput Limit	116,000	1,160,000

### **Violations**

28. From December 2013 to September 2014, CGB violated the Indiana SIP at 326 IAC 2-8-4, 326 IAC 2-2, 326 IAC 2-3, and the Facility's FESOP, by processing grain at its grain dryer during the prior 12-month period at a rate exceeding the 12-month Rolling Throughput Limit for the grain dryer set forth in CGB's FESOP at D.1.1(b).
29. From May 2014 to September 2014, CGB violated the Indiana SIP at 326 IAC 2-8-4, 326 IAC 2-2, 326 IAC 2-3, and the Facility's FESOP, by processing grain at its barge loadout

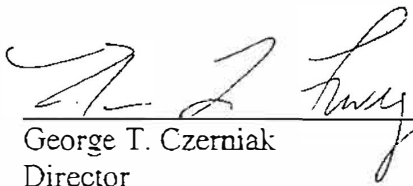
operations during the prior 12-month period at a rate exceeding the 12-month Rolling Throughput Limit for the barge loadout operations set forth in CGB's FESOP at D.1.1(b).

### Environmental Impact of Violations

30. Violation of opacity standards, grain elevator equipment maintenance requirements, and baghouse pressure drop response requirements increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulates, contain microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

3/31/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
George T. Czerniak  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

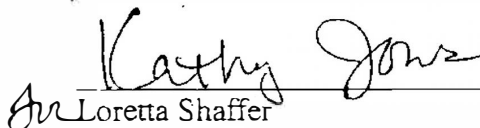
I, Loretta Shaffer, certify that I sent a Notice of Violation, EPA-5-15-IN-04, by Certified Mail, Return Receipt Requested, to:

Chuck Long  
Operations Manager  
Consolidated Grain and Barge Company  
5130 Port Road  
Jeffersonville, Indiana 47130

I also certify that I sent a copy of the Notice of Violation, EPA-5-15-IN-04, by First Class Mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue, room IOCN 1003  
Indianapolis, Indiana 46206-6015

on the 31<sup>st</sup> day of March 2015.

  
\_\_\_\_\_  
Loretta Shaffer  
Program Technician  
AECAB, PAS Section

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 5265



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**MAR 31 2015**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Steve Pittman, General Manager  
North Manchester Ethanol, LLC  
D/b/a/ POET Biorefining – North Manchester  
868 East 800 North  
North Manchester, Indiana 46962

Re: Notice and Finding of Violation  
POET Biorefining - North Manchester  
North Manchester, Indiana

Dear Mr. Pittman:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to North Manchester Ethanol, LLC, d/b/a POET Biorefining - North Manchester (POET-North Manchester or you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating the Indiana State Implementation Plan at your North Manchester, Indiana facility.

Section 113 of the Clean Air Act, 42 U.S.C. § 7413(a), gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Manoj P. Patel. You may call him at (312) 353-3565 or e-mail him at [patel.manojkumar@epa.gov](mailto:patel.manojkumar@epa.gov) to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "George T. Czerniak".

George T. Czerniak

Director

Air and Radiation Division

Enclosure

cc: Phil Perry, Branch Chief  
Office of Air Quality/Compliance & Enforcement Branch  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

IN THE MATTER OF:

North Manchester Ethanol, LLC  
d/b/a/ POET Biorefining – North  
Manchester  
North Manchester, Indiana

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. §§ 7401 et seq.

)  
)  
) **NOTICE OF VIOLATION and**  
) **FINDING OF VIOLATION**

)  
) **EPA-5-15-IN-05**  
)  
)  
)

**NOTICE AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV or Notice) under Section 113(a) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a). The authority to issue this NOV/FOV has been delegated to the Regional Administrator of EPA Region 5 and redelegated to the Director, Air and Radiation Division. EPA finds that North Manchester Ethanol, LLC, d/b/a POET Biorefining-North Manchester (POET-North Manchester) has violated the Indiana State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program (Title V Permit Program). On December 4, 2001, 66 Fed. Reg. 62969, EPA granted Indiana final approval of its Title V Permit Program, effective November 30, 2001.
2. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b), provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
3. 40 C.F.R. § 70.3 provides that the requirements of Part 70 apply to any major source located in a state that has received whole or partial approval of its Title V program.
4. On February 20, 2008, 73 Fed. Reg. 9201-9203, EPA approved 326 IAC 8-5-6, fuel grade ethanol production at dry mills, to its volatile organic compounds (VOC) rules as a revision to the Indiana SIP at 40 C.F.R. § 52.770(c)(182).
5. 326 IAC 8-5-6(c)(1) states that the owner or operator of a fuel grade dry mill ethanol production plant shall install and operate a thermal oxidizer with an overall control

efficiency of not less than 98% percent or resulting in a VOC concentration of not more than 10 parts per million (ppm).

6. 326 IAC 8-5-6(e)(1) provides that the owner or operator of a fuel grade ethanol dry mill production plant that was constructed or modified after April 1, 2007, that installs and operates a thermal oxidizer as its VOC control device, shall measure the three (3) hour average operating temperature of the oxidizer using a continuous temperature monitor. The 3-hour average temperature must be greater than or equal to the minimum operating temperature established during the plant's most recent compliance demonstration.
7. 326 IAC 8-5-6(e)(2) provides the owner or operator of a fuel grade ethanol dry mill production plant that was constructed or modified after April 1, 2007, that installs and operates the wet scrubber as its VOC control device, shall monitor the flow rate at least once per day. The scrubber flow rate must be greater than the minimum flow rate established during the plant's most recent compliance demonstration.
8. On August, 2012, the Indiana Department of Environmental Management (IDEM) issued POET-North Manchester Title V Operating Permit No. T169-31191-00068. IDEM approved a significant permit modification to the Title V permit on December 13, 2013.
9. Part D.2.2(b) of the Title V Permit states that the overall efficiency for the scrubber CE008 and thermal oxidizer CE009 (including the capture and destruction efficiency) shall be at least 98%, or the VOC outlet concentration shall not exceed 10 ppmv.
10. Part D.2.2.(c) of the Title V Permit states that the overall efficiency for the scrubber (including the capture efficiency and the destruction efficiency) shall be at least 98%, or the VOC outlet concentration shall not exceed 20 ppmv.
11. Part D.2.2(e) of the Title V Permit states that the overall efficiency for the regenerative thermal oxidizer CE009 controlling DDGS dryers (EU025 and EU026) (including the capture efficiency and the destruction efficiency) shall be at least 98%, or the VOC outlet concentration shall not exceed 10 ppmv.
12. Part D.2.1(c) of the Title V permit limits VOC emissions when RTO CE009 is not operating to 81.43 lbs/hour from scrubber CE008 which controls emissions from the fermenter and distillation processes.
13. Part B.24 of the Title V permit and 40 C.F.R. § 52.12 provide that, for the purpose of establishing whether or not a person has violated or in violation of any provision or condition of a permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.
14. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that

any person has violated or is in violation of a requirement or prohibition of Title V of the Act, or any rule promulgated, issued or approved under Title V of the Act.

### **Factual Background**

15. POET-North Manchester owns and operates a fuel grade ethanol production dry mill facility at 868 East 800 North, North Manchester, Indiana (the facility).
16. The facility includes: two (2) natural gas fired dried distillers grains with solubles dryers, identified as EU025 and EU026, with emissions venting to RTO CE009 and exhausting to stack SV009; one (1) fermentation process containing five (5) fermenters, identified as EU012 through EU016; one (1) yeast propagation tank, identified as EU017; one (1) beer well, identified as EU018, with emissions controlled by scrubber CE008 and RTO CE009, with emissions exhausting to SV009; one (1) distillation process containing one (1) beer stripper, identified as EU019, one (1) rectifier column, identified as EU020, one (1) side stripper, identified as EU021, one (1) set of three molecular sieves, identified as EU022, one (1) set of four (4) evaporators, identified as EU023, emissions are controlled by scrubber CE008 and RTO CE009, with emissions exhausting to SV009; one (1) set of four (4) centrifuges, identified as EU024, emissions controlled by RTO CE009, with emissions exhausting to SV009. During the RTO downtime, all emissions are exhausted to the RTO bypass stack SV008.
17. On December 20, 2013, EPA issued a Request for Information under Section 114 of the Act, 42 U.S.C. § 7414 to the POET-North Manchester facility.
18. On February 27 and March 27, 2014, POET – North Manchester responded to EPA's Request for Information.
19. On March 3, 2009, RTO CE009 achieved the 3-hour average temperature of 1652<sup>0</sup> F during a compliance stack test. On September 24, 2013, RTO CE009 achieved the 3-hour average temperature of 1636<sup>0</sup> F during a compliance stack test.
20. From August 20 through August 22, 2013, POET – North Manchester performed several stack tests on its RTO CE009 and scrubber CE008.
21. The August 20, 2013 stack test (10:00 AM – 13:00 PM) results indicated that at RTO CE009, the facility had an overall VOC control efficiency of 96.38%, and demonstrated a VOC concentration of 13.7ppmv.
22. The August 20, 2013 test (13:00 PM – 16:00 PM) results indicated that at RTO CE009, the facility had an overall VOC control efficiency of 97.42%, and demonstrated a VOC concentration of 10.80 ppmv.
23. The August 21, 2013 test (10:06 AM – 13:06 PM) results indicated that at RTO CE009, the facility had an overall VOC control efficiency of 97.58%, and demonstrated a VOC concentration of 12.70 ppmv.

24. The August 22, 2013 test (13:30 PM – 18:40 PM) results indicated that at Scrubber CE008, the facility had an overall VOC control efficiency of 93.53%, and demonstrated a VOC concentration of 759.90 ppmv. The August 22, 2013 test results indicated that at Scrubber CE008, the facility emitted 110.39 lbs. VOC/hr.
25. POET-North Manchester submitted combustion chamber temperature records for RTO CE009.

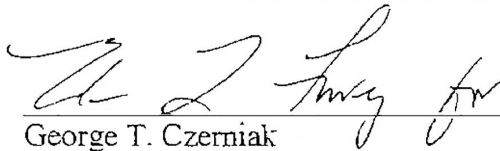
### Violations

26. The August 20, 2013, August 21, 2013, and August 22, 2013, stack test results demonstrate that at RTO CE009, the facility did not achieve a VOC control efficiency of 98%, as required by Title V Permit No. T169-31191-00068, Emission Limit D.2.2, which constitutes violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).
27. The August 22, 2013, stack test results demonstrate that at Scrubber CE008, the facility emitted VOCs in excess of the permitted limit of 81.43 lbs/hr as required by Title V Permit No. T169-31191-00068, Emission Limit D.2.1(c)(2), which constitutes a violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).
28. From January 5, 2010 through December 27, 2013, POET-North Manchester operated RTO CE009 below the required 3-hour average temperature as specified in Title V Permit No. T169-31191-00068, Emission Limit of D.2.10(c), which constitutes a violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).

### Environmental Impact of Violations

29. VOC pollution causes a variety of health and environmental impacts, such as acid rain, global warming, water quality deterioration, and visual impairment. VOC plays a major role in the atmospheric reactions that produce ozone. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.

3/21/15  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

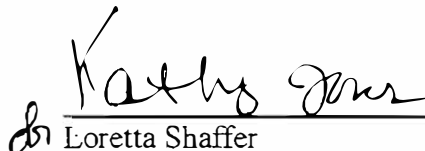
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-15-IN-05, by Certified Mail, Return Receipt Requested, to:

Steve Pittman, General Manager  
North Manchester Ethanol, LLC  
d/b/a/ POET Biorefining – North Manchester  
13179 North 100 East  
North Manchester, Indiana 46001

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room IGCN 1003  
Indianapolis, Indiana 46206-6015

On the 31<sup>st</sup> day of March 2015.

  
\_\_\_\_\_  
Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 5289

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Real Alloy, Inc.  
4525 U.S. 24 Business  
Wabash, Indiana 46992

**ATTENTION:**

**Gary Huddleston  
Environmental Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Real Alloy, Inc. (Real Alloy or you) to submit certain information about the facility at 4525 U.S. 24 Business in Wabash, Indiana ("the facility"). Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Real Alloy owns and operates an emission source at the Wabash, Indiana facility. We are requesting this information to determine whether your emission source is complying with the Indiana State Implementation Plan, the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production, and its Title V Permit.

Real Alloy must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Real Alloy must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

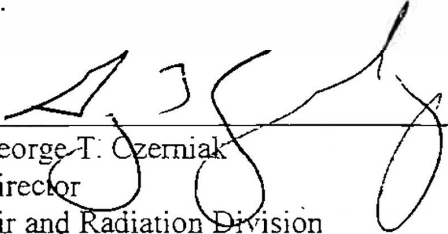
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Real Alloy to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Alexandra Letuchy at (312) 886-6035 or at [letuchy.alexandra@epa.gov](mailto:letuchy.alexandra@epa.gov).

Date

4/17/15

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, and 40 C.F.R. Part 63, Subpart RRR.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. "Used Beverage Containers" shall mean either pre- or post-consumer aluminum beverage containers that have been coated with any of the following: paints, oils, lacquers, or laminates.

## Appendix B

### Information You Are Required to Submit to EPA

Real Alloy must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) within 30 calendar days of its receipt of this letter.

1. Provide a copy of all final air permits issued to the facility by the Indiana Department of Environmental Management (IDEM) from January 2005 to the present, including, but not limited to, construction permits, minor source operating permits (MSOPs), federally enforceable state operating permits (FESOPs), and Part 70 Operating (Title V) Permits.
2. Provide a copy of all permit applications submitted to IDEM from January 2005 to the present. Also provide a copy of the original permit application for the current Title V Permit for the facility.
3. Provide copies of any deviation, excess emissions reports, or startup, shutdown, and malfunction reports submitted to IDEM since January 2010.
4. Provide copies of all quarterly reports, semi-annual compliance reports, or equivalent documents submitted to either IDEM or EPA since January 2010.
5. Provide copies of all annual emissions reports submitted to IDEM for the facility from 2005 to the present, and include:
  - a. A narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used;
  - b. Any documents outlining procedures for calculating annual emissions; and
  - c. A table describing the assumed/estimated capture efficiencies for each control device(s) and the associated emission unit(s), including any associated documentation for the assumptions.
6. Provide a table of all emissions tests conducted at the facility for any reason, from January 2005 to the present, and provide copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the table and preparing copies of the stack test reports:
  - a. **Table** (in excel): Identify the emissions unit, the control device, the date of the test, pollutants tested, throughput during the test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with IDEM.

- b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, charge logs, and all calculations.
- 7. Provide all documents, related to all studies, inspections, or evaluations conducted or attempted for any reason at the facility from January 2005 to the present, associated with air pollution control equipment and control systems, including but not limited to:
  - a. System improvements implemented based on findings of any study, inspection, or evaluation;
  - b. Modeling emissions of air pollutants to the atmosphere;
  - c. American Conference of Industrial Hygienist (ACGIH) calculations;
  - d. Ventilation of the furnaces, shredder, and dryers;
  - e. Capture and collection of pollutants emitted by the furnaces, shredder, and dryers;
  - f. Performance of the baghouse-ventilation-and-control system (including volumetric flow measurements and static pressure measurements); and
  - g. Commissioning reports.
- 8. For each emission unit equipped with an add-on air pollution control device, provide technical documentation verifying compliance with 40 C.F.R. § 63.1506(c)(1).
- 9. Provide a copy of the facility's current Operation, Maintenance, and Monitoring (OM&M) Plan, and any previous versions of the plan prepared from January 2010 to the present.
- 10. Provide a copy of the facility's current Startup, Shutdown, and Malfunction Plan, and any previous versions of the plan prepared from January 2010 to the present.
- 11. Provide copies of all Preventative Maintenance Plans, including but not limited to Preventative Maintenance Plans required for the baghouses and the afterburner.
- 12. For the scrap dryers afterburners, provide copies of the following information:
  - a. 3-hour block average operating temperatures at each afterburner from January 2010 to the present (in excel);
  - b. Minimum required operating temperature at each afterburner, the method used to establish the limit (e.g., performance test on date), and the effective date of this temperature limit from January 2010 to the present;
  - c. Minimum required residence time in afterburner, the method used to establish the limit and associated calculation (e.g., performance test on date), the effective date

of these residence times, and description of how the parameter is monitored to maintain compliance from January 2010 to the present; and

- d. Afterburner inspection records and documentation regarding maintenance, repairs, or other improvements to the afterburner initiated based on finding from inspections from January 2010 to the present.

13. For the scrap dryers baghouses, provide copies of the following information:

- a. 3-hour block average inlet temperatures at the fabric filter baghouse from 2010 to the present (in excel); and
- b. Maximum allowed fabric filter baghouse inlet temperature, the method used to establish the limit (e.g., performance test on date), and the effective date of these temperature limits from January 2010 to the present.

14. For the five reverberatory furnaces operating, identified as Furnaces #8, 10, 11, 14, and 17 in the Part 70 Operating Permit, provide copies of the following information:

- a. Dates and times any of the reverberatory furnaces were operated as a Group 2 furnace;
- b. 3-hour block average inlet temperature for each fabric filter baghouse from January 2010 to the present (in excel);
- c. Maximum allowable fabric filter baghouse inlet temperature, the method used to establish the limit (e.g., performance test on date), and the effective date of these temperatures from January 2010 to the present;
- d. Records of daily inspections of the continuous lime injection system feed hopper from January 2010 to the present;
- e. Approval from the permitting agency, on the installation of an alternative system to confirm that lime is free-flowing;
- f. Records of the lime feed rate/screw speed, alarm setpoint, and records of alarms from January 2010 to the present;
- g. Minimum lime feed rate established for each fabric filter baghouse during a performance test and the effective date of these minimum feed rates from January 2010 to the present;
- h. Records of the total reactive chlorine flux injection rate from January 2010 to the present (15-minute blocks and calculation for each operating cycle/time period used during performance tests in excel); and

- i. Maximum total reactive chlorine flux injection rate established for each fabric filter baghouse during a performance test and the effective date of these minimum feed rates from January 2010 to the present.
15. Provide the following information regarding all bag leak detection systems (BLDSs) in use at the facility:
  - a. The emission point, air pollution control unit, and process associated with each BLDS;
  - b. The manufacturer's guidance documents, including, but not limited to, the manufacturer's written specifications and recommendations, used for establishing alarm setpoints, response times, and delay times (note which document is associated with which emission point/BLDS);
  - c. All operation and maintenance documents used for establishing alarm setpoints, response, times, and delay times (note which document is associated with which emission point/BLDS);
  - d. A copy of a typical day BLDS chart for each emission point/BLDS;
  - e. BLDS baseline sensor reading (%) and cleaning peak reading (%) for each BLDS;
  - f. The alarm setpoints, response time, and delays used for each BLDS from January 2010 to the present;
  - g. The data used to justify each modification of either an alarm setpoints, response time, and delays, and a narrative description of why the modification was appropriate;
  - h. Documentation submitted to EPA or IDEM for approval for a modification of an alarm;
  - i. All records maintained to demonstrate compliance with to 40 C.F.R. § 63.1506(g)(2), including, but not limited to: time and date of triggered alarms, time and type of corrective action initiated to determine cause of alarm, time and date the corrective action was initiated, time and date the corrective action was completed, and calculated operating time fraction BLDS alarms; and
  - j. The percentage of operating time each BLDS was in alarm during each 6 month reporting block from January 2010 to the present.
16. Provide records of annual inspections of emission capture/control and closed vent systems from January 2010 to the present.
17. Provide the monthly records of the total scrap aluminum processed (in tons) at each reverberatory furnace from January 2005 to the present, include a 12 month rolling sum.

18. Provide documentation of corrective actions taken where process parameters or add-on air pollution control device operating parameters deviated from the value or range established during the performance test and incorporated in the OM&M plan from January 2010 to the present.
19. Provides copies of all charge logs from January 2010 to the present and a list of dates that the furnaces were charged with materials that do not meet the definition of clean charge in 40 C.F.R. § 63.1503. Note if any of these dates were also dates of performance tests.
20. Provide the following documentation regarding the charging of Used Beverage Containers into furnaces at the facility from January 2010 to the present.
  - a. Charge logs or records;
  - b. Charge limits and performance tests establishing limits; and
  - c. Performance tests that included the charging of Used Beverage Containers.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Request to Provide

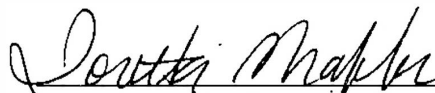
Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Real Alloy, Inc.  
Attn: Gary Huddleston, Environmental Manager  
4525 U.S. 24 Business,  
Wabash, Indiana 46992

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 20 day of April 2015.



Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 1727



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAY 29 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

David Brooks, General Manager  
POET Biorefining - Cloverdale, LLC  
D/b/a/ POET Biorefining - Cloverdale  
2265 East County Road 800 South  
Cloverdale, Indiana 46120

Re: Notice and Finding of Violation  
POET Biorefining - Cloverdale  
Cloverdale, Indiana

Dear Mr. Brooks:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to POET Biorefining - Cloverdale, LLC, d/b/a POET Biorefining - Cloverdale (POET-Cloverdale or you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating the Indiana State Implementation Plan at your Cloverdale, Indiana facility.

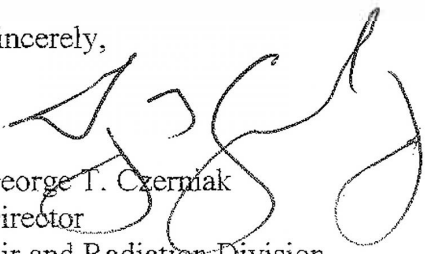
Section 113 of the Clean Air Act, 42 U.S.C. § 7413(a), gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Manoj P. Patel. You may call him at (312) 353-3565 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czermiak  
Director  
Air and Radiation Division

Enclosure

cc: Phil Perry, Branch Chief  
● Office of Air Quality/Compliance & Enforcement Branch  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**POET Biorefining - Cloverdale, LLC  
d/b/a/ POET Biorefining – Cloverdale  
Cloverdale, Indiana**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. §§ 7401 et seq.

**NOTICE OF VIOLATION and  
FINDING OF VIOLATION**

**EPA-5-15-IN-07**

**NOTICE AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV or Notice) under Section 113(a) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a). The authority to issue this NOV/FOV has been delegated to the Regional Administrator of EPA Region 5 and redelegated to the Director, Air and Radiation Division. EPA finds that POET-Cloverdale has violated the Indiana State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

**Part 70 Operating Permit Program**

1. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program (Title V Permit Program). On December 4, 2001, 66 Fed. Reg. 62969, EPA granted Indiana final approval of its Title V Permit Program, effective November 30, 2001.
2. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b), provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
3. 40 C.F.R. § 70.3 provides that the requirements of Part 70 apply to any major source located in a state that has received whole or partial approval of its Title V program.
4. On March 29, 2007, 72 Fed. Reg. 14678, EPA approved 326 IAC 2-6-4, Emission Reporting requirements, to be consistent with the emission statement program requirements for stationary sources in Section 182 (a)(3)(B) of the Act, 42 U.S.C. § 7511a(a)(3)(B), as a revision to the Indiana SIP at 40 C.F.R. § 52.770(c)(178).

5. 326 IAC 2-6-4 states that source shall report estimated actual emissions in the emission statement. The emission statement must contain a certification by a responsible official that the information in the emission statement is accurate based on reasonable estimates using data available to preparers and on a reasonable inquiry into records and person responsible for the operation of the source, and is true, accurate, and complete. Source must include emissions information for each process and actual emissions estimates must include upsets, downtime, fugitive emissions, and follow an emission estimation method. Emissions of volatile organic compounds (VOC) shall be reported as total VOC.
6. On February 20, 2008, 73 Fed. Reg. 9201-9203, EPA approved 326 IAC 8-5-6, fuel grade ethanol production at dry mills, to its VOC rules as a revision to the Indiana SIP at 40 C.F.R. § 52.770(c)(182).
7. 326 IAC 8-5-6(c)(1) states that the owner or operator of a fuel grade dry mill ethanol production plant shall install and operate a thermal oxidizer with an overall control efficiency of not less than 98% percent or resulting in a VOC concentration of not more than 10 parts per million (ppm).
8. 326 IAC 8-5-6(e)(1) provides that the owner or operator of a fuel grade ethanol dry mill production plant that was constructed or modified after April 1, 2007, that installs and operates a thermal oxidizer as its VOC control device, shall measure the three (3) hour average operating temperature of the oxidizer using a continuous temperature monitor. The 3-hour average temperature must be greater than or equal to the minimum operating temperature established during the plant's most recent compliance demonstration.
9. On June 26, 2012, the Indiana Department of Environmental Management (IDEM) issued POET-Cloverdale Title V Operating Permit No. T133-31145-00003. From November 5, 2010 thru June 26, 2012, POET-Cloverdale operated under the Federally Enforceable State Operating Permit (FESOP) with conditions, F133-28725-00003, and its subsequent revisions and amendments.
10. Part D.2.1(b)(1) of the Title V Permit limits fermentation process VOC emissions to 30.80 lbs/hr from scrubber CE012.
11. Part D.2.1(b)(2)-(3) of the Title V Permit limits fermentation process acetaldehyde emissions to 0.70 lb/hr and combined HAP emissions to 0.99 lb/hr from scrubber CE012.
12. Part D.3.2 (b) of the Title V Permit states that the overall efficiency for the regenerative thermal oxidizers (RTOs) CE015 and CE016 (including the capture and destruction efficiency) shall be at least 98%, or the VOC outlet concentration shall not exceed 10 ppmv.
13. Part D.3.1(a) of the Title V Permit limits carbon monoxide (CO) emissions from RTOs CE015 and CE016 to 24.40 lbs/hour.
14. Part D.3.10(c) of the Title V Permit requires POET-Cloverdale to operate both RTOs CE015 and CE016 at or above the 3-hour average temperature as observed during the latest compliant stack test.

15. Part B.24 of the Title V permit and 40 C.F.R. § 52.12 provide that, for the purpose of establishing whether or not a person has violated or in violation of any provision or condition of a permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.
16. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the Act, or any rule promulgated, issued or approved under Title V of the Act.

### **Factual Background**

17. POET Biorefining-Cloverdale, LLC, d/b/a/ POET Biorefining-Cloverdale (POET-Cloverdale) owns and operates a fuel grade ethanol production dry mill facility at 2265 East County Road 800 South, Cloverdale, Indiana (the facility).
18. The facility includes: two (2) natural gas fired dried distillers grains with solubles dryers, identified as EU034 and EU035, with emissions venting to RTOs (CE015 and CE016) exhausting to stack SV014; one (1) DDGS fluid bed cooler, identified as EU038, with emissions vented to and controlled by RTOs (CE015 and CE016), one (1) fermentation process containing six (6) fermenters, identified as EU019 through EU024 and two (2) beer wells, identified as EU025 and EU026, with emissions controlled by a wet scrubber CE012; one mass preparation process consisting of one slurry tank EU017 and one yeast propagation tank EU018, with emissions controlled by a wet scrubber CE011; two (2) natural gas fired boilers, identified as EU036 and EU037, each with a rated heat input capacity of 145.30 million British thermal units (mmBtu) per hour with emissions vented to stacks SV015 and SV016, respectively.
19. On May 1, 2014, EPA issued a Request for Information under Section 114 of the Act, 42 U.S.C. § 7414, to the POET-Cloverdale facility.
20. On June 9 and July 9, 2014, POET-Cloverdale responded to EPA's Request for Information.
21. Emissions from the fermentation processes are controlled by a packed-bed wet scrubber (CE012). Periods of downtime at the scrubber result in VOC emissions from fermentation being vented to the atmosphere.
22. The following table summarizes scrubber downtime when emissions from fermentations were directly vented to the atmosphere.

<b>Date</b>	<b>Scrubber Downtime (Hours)</b>
6/17/2011	72 hours
6/26-27/2011	15 hours
6/28-7/1/2011	108 hours
9/1/2011	11.50 hours

23. On August 30, 2011, POET-Cloverdale performed compliance emissions testing at the outlet of the scrubber CE012. The testing identified an emission rate of 6.10 pounds of VOC per hour, and 0.37 pounds of acetaldehyde per hour. Based on scrubber CE012's actual control efficiency of 99.42%, the uncontrolled emissions from fermentation processes are at least 1058.22 pounds of VOC per hour and 63.79 pounds of acetaldehyde per hour.
24. On August 17, 2011, and from November 15 through November 17, 2011, POET-Cloverdale performed several stack tests on RTOs CE015 and CE016.
25. The August 17, 2011 stack test results indicated that at RTOs CE015 and CE016, the facility had an overall VOC control efficiency of 96.28%, and a VOC concentration of 36.0 ppmv.
26. The November 15, 2011 test results indicated that at RTOs CE015 and CE016, the facility had an overall VOC control efficiency of 96.64%, and a VOC concentration of 26.30 ppmv.
27. The November 16, 2011 test results indicated that at RTOs CE015 and CE016, the facility had an overall VOC control efficiency of 97.40%, and a VOC concentration of 35.60 ppmv.
28. The November 17, 2011 test results indicated that at RTOs CE015 and CE016, the facility had an overall VOC control efficiency of 95.60%, and a VOC concentration of 42.90 ppmv.
29. The November 16, 2011 test results indicated that at RTOs CE015 and CE016, the facility emitted CO emissions of 26.50 lbs/hr.
30. The November 17, 2011 test results indicated that at RTOs CE015 and CE016, the facility emitted CO emissions of 105.00 lbs/hr.
31. The information provided by POET-Cloverdale demonstrated that on October 25, 2012, RTOs CE015 and CE016 achieved the 3-hour average temperature of 1675° F during a compliance stack test.

32. POET-Cloverdale submitted combustion chamber temperature records for RTOs CE015 and CE016 which showed that 3-hour average temperature from June 27, 2013 through April 30, 2014 were below 1675<sup>0</sup> F.

### **Violations**

33. From June 17 through September 1, 2011, POET-Cloverdale operated fermentation operations during scrubber downtime and emitted VOC emissions in excess of the permitted limit of 25.64 lbs/hr as required by Title V Permit No. T133-31145-00003, Emission Limit D.2.1(b), which constitutes a violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).
34. From June 17 through September 1, 2011, POET-Cloverdale operated fermentation operations during scrubber downtime and emitted acetaldehyde and total HAP emissions in excess of the permitted limit of 0.70 and 0.99 lb/hr, respectively, as required by Title V Permit No. T133-31145-00003, Emission Limit D.2.1(b), which constitutes a violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).
35. The August 17, 2011, November 15, 2011, November 16, 2011, and November 17, 2011, stack test results demonstrate that at RTOs CE015 and CE016, the facility did not achieve a VOC control efficiency of 98%, as required by Title V Permit No. T133-31145-00003, Emission Limit D.3.2(b), which constitutes violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).
36. The November 16 and November 17, 2011, stack test results demonstrate that at RTOs CE015 and CE016, the facility emitted CO in excess of the permitted limit of 24.40 lbs/hr as required by Title V Permit No. T133-31145-00003, Emission Limit D.3.1(a), which constitutes a violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).
37. From June 27, 2013 through April 30, 2014, POET-Cloverdale operated RTOs CE015 and CE016 below the required 3-hour average temperature as specified in Title V Permit No. T133-31145-00003, Emission Limit of D.3.10(c), which constitutes a violation of the Indiana SIP, Section 502(a) of the Act, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b).

### **Environmental Impact of Violations**

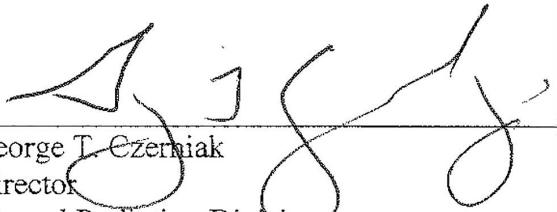
38. VOC pollution causes a variety of health and environmental impacts, such as acid rain, global warming, water quality deterioration, and visual impairment. VOC plays a major role in the atmospheric reactions that produce ozone. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.
39. The violations cited above resulted in increased emissions of hazardous air pollutants, particularly acetaldehyde. Acute exposure to acetaldehyde results in irritation of the eyes, skin, and respiratory tract, as well as erythema, coughing, pulmonary edema, and

necrosis. Chronic exposure to high levels of acetaldehyde has been linked to effects similar to alcoholism, slight anemia, as well as nasal, trachea, and kidney pathology. EPA lists acetaldehyde as a probable human carcinogen.

40. CO can cause harmful health effects by reducing oxygen delivery to the body's organs and tissues. The health threat from lower levels of CO is most serious for those who suffer from heart disease, like angina, clogged arteries, or congestive heart failure. High levels of CO can affect even healthy people. People who can breathe high levels of CO can develop vision problems, reduced ability to work or learn, reduced manual dexterity, and difficulty performing complex tasks. At extremely high levels, CO is poisonous and can cause death.

Date

5/29/15

  
George T. Czerniak  
Director  
Air and Radiation Division

### CERTIFICATE OF MAILING

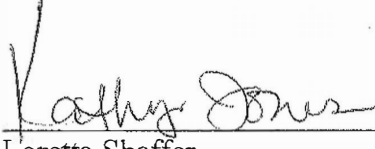
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-15-IN-07, by Certified Mail, Return Receipt Requested, to:

David Brooks, General Manager  
POET Biorefining-Cloverdale, LLC  
d/b/a/ POET Biorefining-Cloverdale  
2265 East County Road 800 South  
Cloverdale, Indiana 46120

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room IGCN 1003  
Indianapolis, Indiana 46206-6015

On the 1<sup>st</sup> day of June, 2015.

  
for Loretta Shaffer  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 4930

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Quemetco, Inc.  
7870 W. Morris Street  
Indianapolis, Indiana 46231**

**ATTENTION:**

**Shane Richardson  
Environmental Manager**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Quemetco, Inc. (Quemetco or you) to submit certain information about the facility at 7870 W. Morris Street, Indianapolis, Indiana. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Quemetco owns and operates an emission source at the Indianapolis, Indiana, facility. We are requesting this information to determine whether your emission source is complying with the Indiana State Implementation Plan (SIP) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Lead Smelters at 40 C.F.R. Part 63, Subpart X.

Quemetco must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Quemetco must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks to collect information from specific individuals or entities as part of an administrative action or investigation.

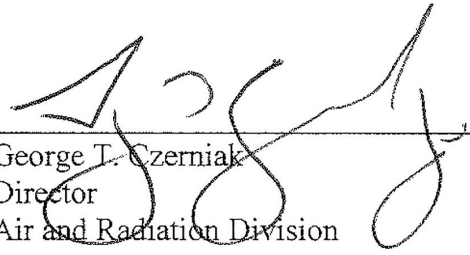
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Quemetco to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Alexandra Letuchy at (312) 886-6035 or [letuchy.alexandra@epa.gov](mailto:letuchy.alexandra@epa.gov).

Date

6/23/15

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. If you have already submitted the information requested below to EPA, there is no need to reproduce the information as long as your response identifies the information produced, the date of production, and the manner in which it was provided to EPA.
6. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
7. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.

2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelters at 40 C.F.R. Part 63, Subpart X.

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

## Appendix B

### Information You Are Required to Submit to EPA

Quemetco must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 calendar days after receiving this request.

1. Provide a copy of each current air permit issued to Quemetco by the Indiana Department of Environmental Management (IDEM).
2. Provide a copy of all permit applications submitted to IDEM since June 2010. Also, provide a copy of the original Title V permit application.
3. Provide copies of all annual emissions reports submitted to IDEM for 2010 to the present. Provide a narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used, description of the assumed/estimated capture efficiencies for each control device(s), and the associated emission unit(s), and any documents outlining procedures for calculating annual emissions.
4. Provide a table listing each emission unit, exhaust point, and associated emission control, if applicable. In the table, include all fugitive emission exhaust points. Additionally, provide a map or aerial view photograph of the facility indicating the location of each emission unit and each exhaust point.
5. Provide copies of any deviation or excess emission reports submitted to IDEM since January 2010.
6. Provide copies of all semi-annual compliance reports submitted to IDEM since June 2010.
7. Provide a list and copies of each emissions test conducted for any reason, from June 2005 to the present. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack tests:
  - a. **Table:** Identify the emissions unit, the date of the test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with IDEM.
  - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
8. Provide copies of all visible emissions readings performed using EPA Method 9 or EPA Method 22 from January 2010 to the present (excluding any readings provided with the reports included with Item 7, above).

9. Provide copies of Notifications of Compliance Status submitted to IDEM or EPA for 40 C.F.R., Part 63, Subpart X.
10. Provide a copy of the fugitive dust control standard operating procedures manual prepared pursuant to 40 C.F.R. § 63.545(a), the standard operating procedures manual for baghouses prepared pursuant to 40 C.F.R. § 63.548(a), and the standard operating procedures designed to minimize emissions of total hydrocarbon from the furnaces for each startup or shutdown scenario anticipated.
11. From January 2014 to the present, provide monthly records of the concentration of lead in each process vent, and the flow-weighted average concentration of lead compounds in vent gases calculated pursuant to 40 C.F.R. § 63.543(a)(2).
12. Provide the following information for each differential pressure monitor used to comply with 40 C.F.R., Part 63, Subpart X:
  - a. Manufacturer's specifications;
  - b. Manufacturer's installation guidance;
  - c. Facility diagram indicating location of each gauge, indicating whether the monitor is mounted on the ceiling or wall;
  - d. Documentation related to the determination of where to locate the differential pressure monitors;
  - e. Photograph of each gauge location;
  - f. Date of installation of each gauge; and
  - g. Calibration records for each gauge.
13. For January 2014 to the present, provide (in an Excel Workbook or other compatible format) rolling 15-minute average readings for each continuous differential pressure monitor for the total enclosure.
14. For June 2005 to the present, provides the following records related to each SO<sub>2</sub> continuous emission monitor (including the unit on the WESP):
  - a. Monthly average SO<sub>2</sub> concentration and average volumetric flow of stack gases;
  - b. CEMS malfunctions;
  - c. Out of control periods;
  - d. Calibration and adjustment activities;
  - e. Repair or maintenance activities; and

- f. pH checks of the scrubber.
15. From October 2013 to the present, provide records of monthly inspections for all barriers on outside openings of areas maintained at negative pressure for compliance with 40 C.F.R., Part 63, Subpart X. Provide documentation of corrective action for any damage observed at barriers.
16. Provide the following information related to each bag leak detection system (BLDS) in use:
- a. The manufacturer's operation and maintenance guidance documents;
  - b. The manufacturer's guidance documents used for establishing alarm setpoints and delay times;
  - c. All operation and maintenance guidance documents developed by Quemetco used for establishing alarm setpoints and delay times;
  - d. The emission point, air pollution control unit, and process associated with each BLDS;
  - e. The alarm setpoints and delays utilized by Quemetco from installation of the BLDS to the present;
  - f. The data used to justify each modification of either an alarm setpoint or delay time and a narrative description of why the modification was appropriate; and
  - g. An electronic record of the BLDS output, from January 2010 to the present.
17. Provide the following information for each baghouse, from January 2010 to the present:
- a. A list of all emissions units connected to the baghouse and a detailed explanation of how emissions are routed to it, including a description of any capture mechanism.
  - b. All records of the differential pressure readings taken at each baghouse in an Excel Workbook or other compatible format, including the date and time of the readings;
  - c. All daily, weekly, monthly and quarterly inspection, maintenance, and repair logs;
  - d. Documentation of how the emissions factors were derived and maximum hourly emission rates used by Quemetco to determine PM and lead emissions;
  - e. Any excess opacity or opacity deviation reports, including during periods of start-up, shut-down, and malfunction; and

23. Provide complete copies of all written correspondence, determinations, documents, or communications with IDEM from June 1, 2005, to the present, concerning the applicability of the Prevention of Significant Deterioration and/or non-attainment New Source review requirements to the construction and/or modification of any equipment at the Facility.
24. Provide the following information for the Hammer Mill, Rotary Kiln, Reverb Furnace, Secondary Arc Furnace, and Refining Kettles for all times that the emission units were operating during the period of June 2005 to the present. Provide this information in a Microsoft Excel Workbook or compatible format:
  - a. Monthly production in tons;
  - b. Monthly hours of operation;
  - c. Monthly average production rate (tons/hour); and
  - d. Monthly average tap-to-tap cycle time (furnaces only).

- f. The operating limits for the differential pressure across each baghouse, the method used to establish the values, and the effective date of these operating limits.
- 18. Provide the following information related to continuous temperature monitoring, from January 2014 to the present:
  - a. The minimum operating temperature, the method used to establish this value, and the effective date of these operating limits;
  - b. All records of the continuous temperature monitoring outputs and 3-hr average temperatures;
  - c. All records of corrective actions when temperature was below the minimum operating temperature;
  - d. Calibration & maintenance records; and
  - e. Performance evaluation records of the continuous monitoring systems (required by 40 C.F.R. § 63.8(e) and 40 C.F.R. § 63.548(j)(2)).
- 19. Provide a copy of all ventilation or engineering studies associated with identifying or reducing lead emissions performed from January 2000 to the present. Provide documents related to any physical or operational changes made by Quemetco based on the findings or recommendations of each study.
- 20. For all proposed ventilation or engineering studies associated with identifying or reducing lead emissions from January 2000 to the present, provide the proposed scope of work, and the planned start date for the study.
- 21. Identify and describe, in a chronologically organized table, all capital expenditures greater than \$25,000 commenced at the emission units, from June 1, 2005, to the present. This list must contain the approximate date each project (including maintenance projects and modifications) commenced, the date each project was completed or implemented, a brief description of each project, a list of expenses for each project, and the fixed capital cost of each project in nominal dollars. This should include, but not be limited to capital expenditures associated with changes in fuel type, fuel feed operations, transformers, oxygen lancing, raw material feed rates, production rates, emission rates, and/or air pollution control equipment.
- 22. For each project identified in Item 21, above, that cost more than \$50,000, provide copies of all capital appropriation requests, financial justifications, and authorizations, including attachments and addenda, generated by or prepared on behalf of the facility or its predecessors concerning that project.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Request to Provide

Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Shane Richardson  
Environmental Manager  
Quemetco, Inc.  
7870 W. Morris Street  
Indianapolis, Indiana 46231

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental  
Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 24 day of June 2015.

Loretta Shaffer  
Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011150 0000 2640 5342